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JAMES BOWDOIN AND THE MASSACHUSETTS COUNCIL

by

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INTRODUCTION

James Bowdoin was one of the few wealthy men of revolutionary Massachusetts who joined the patriot party and supported it steadily to the outbreak of war. Although more moderate than the radicals, Bowdoin was firm in his convictions. Through his economic and social position, as well as by his political ability, he lent a dignity and respectability to the revolutionary movement, which many more famous patriots could not command. As leader of the Massachusetts Council, James Bowdoin regularly cooperated with the radical leaders of the House of Representatives and opposed Governors Bernard and Hutchinson, thereby contributing importantly to the decline of royal authority in the Bay Colony.

The Council was a unique body among the royal governments in America for it was elected by the General Court rather than appointed by the crown. Despite this fact the governors were able to control the Council through a veto power and the patronage until just before the Revolution. With the rise of a strong party of opposition in the decade before Lexington and Concord, however, this control slipped badly. Not only did the Council fail to advise and assist Bernard and Hutchinson, but it also aggressively opposed them at times. With the governors thus isolated, the political balance in Massachusetts was seriously upset, and the Revolution perceptibly hastened.

Note on Previous Work in the Field

James Bowdoin has been a neglected figure in Massachusetts history. Except for a short survey by a proud descendant, Robert C. Winthrop,[1] and the sketch in the Dictionary of American Biography, there are no studies of this man. Mention has been made of Bowdoin in numerous biographies and other studies of the period, but this is the only lengthy analysis of his early life and pre-revolutionary political career.

Writers have frequently referred to the importance of the anomalous Massachusetts Council, but no one has made an independent study of it. A recent work by Ellen E. Brennan,[2] studying plural office-holding in Massachusetts, treats the Council at some length but not with a view to explaining its peculiar contribution to the Revolution.

1. Robert C. Winthrop, Washington, Bowdoin and Franklin, Boston, 1876.
2. Ellen E. Brennan, Plural Office-Holding in Massachusetts 1760-1780, Chapel Hill, 1945.

JAMES BOWDOIN AND THE MASSACHUSETTS COUNCIL

CHAPTER I

HUGUENOT ODYSSEY

Among the Huguenots who fled from Catholic France in the late seventeenth century was Pierre Baudouin, the grandfather of Governor James Bowdoin of Massachusetts. In 1685 Louis XIV revoked the famous Edict of Nantes which had granted French Protestants a measure of toleration for nearly a century. This effort to suppress heresy cost France some of its finest blood, for thousands emigrated to other European countries and to the New World.[1] Here, in America, the Huguenots played a very distinguished and important part. The mere mention of such famous names as Bowdoin, Faneuil, Revere, Jay, Laurens, and Marion amply substantiates this statement.

The Baudouin family of Rochelle, the Huguenot stronghold on the west coast of France, was old and prominent. Some have traced its genealogy back to Count Baldwin of Flanders in the ninth century, or to Baldwin the heroic crusader of the twelfth century. The Baudouins had become Protestants quite early, and they participated in the religious struggle of the Rochelle area. When Louis XIV

1. H.M. Baird, The Huguenots and the Revocation of the Edict of Nantes, II, 101. Baird estimates the number of emigrants immediately after the revocation of the Edict of Nantes was 400,000.

began the regrettable policy of persecution, the Baudouin family dispersed with various branches going to Prussia, the Netherlands, Great Britain, and to America. It is the last of these groups, Pierre Baudouin and his descendants, that concerns this study.

Pierre Baudouin was a physician by profession and reputedly a man of some means. Governor Bowdoin's son later wrote:

> "I am the eldest descendant from one of those unfortunate families which was obliged to fly their native country on account of religion; -- a family, which, as I understand, lived in affluence, perhaps elegance, upon a handsome estate in the neighborhood of Rochelle, which at that time (1685) yielded the considerable income of 700 louis d'ors per annum."[2]

When Baudouin left France in 1685 or 1686, he must have sacrificed most of this wealth.

After a brief sojurn in Ireland, Pierre Baudouin and his family came in early 1687 to the Casco Bay area in northern New England. Included in the group were Pierre's wife, Elizabeth, his sons, James and John, and two daughters, Elizabeth and Mary. The eldest son, James, became one of the wealthiest merchants of eighteenth century Boston, and the father of Governor James Bowdoin. John Baudouin, second son of Pierre, moved to Virginia where he died before 1717. One of the daughters, Elizabeth, married Thomas Robins, and the other, Mary, married Stephen Boutineau, another of the

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2. R.C. Winthrop, Washington, Bowdoin and Franklin, 42.

party of Huguenots that had immigrated with the Baudouins.[3]

Much of the early history of Pierre Baudouin is derived from a petition addressed to Governor Edmund Andros in the summer of 1687. This document is of sufficient interest and importance to be quoted completely.

> "To his Excellency, the Governor-in-Chief of New England, humbly prays Pierre Baudouin, saying: that having been obliged, by the rigors which were exercised towards the Protestants in France, to depart thence with his family, and having sought refuge in the realm of Ireland, at the city of Dublin, to which place it pleased the Receivers of His Majesty's Customs to admit him, your petitioner was employed in one of the bureaux; but afterwards, there being a change of officers, he was left without any employment. This was what caused the petitioner and his family, to the number of six persons, to withdraw into this territory, in the town of Casco, and Province of Maine; and seeing that there are many lands which are not occupied, and particularly those which are situated at the point of Barbary Creek, may it please your Excellency to decree that there may be assigned to your petitioner about one hundred acres, to the end that he may have the means of supporting his family. And he will continue to pray God for the health and prosperity of your Excellency. Pierre Baudouin."[4]

Governor Andros complied with this request and Baudouin purchased other tracts of land in the vicinity of Casco Bay, in Maine.

For some reason Pierre Baudouin, or Peter Bowdoin as he was soon known, decided to leave Maine and to move to Boston in 1690. Perhaps the presence of a considerable number

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3. Temple Prime, Some Account of the Bowdoin Family. New Eng. Hist. and Gen. Register, X, (1856), 78.
4. R.C. Winthrop, op. cit., 41 (also in Maine Hist. Soc. Colls., 2nd series, VI, (1900), 349). See Willis: "History of Portland" in Maine Hist. Soc. Colls., I, (1865), 248, 276, 305. Ibid., 2nd series, VI, (1900) 241, 285-6, 311, 322-3.

of French refugees in Massachusetts and the establishment of a Huguenot church in Boston was the attraction. There is the possibility that Peter Bowdoin deplored the danger and insecurity at Falmouth due to the hostility of both French and Indians. Moreover, Boston probably seemed a much more favorable location to a man interested in a mercantile business. Whatever the motivation the Bowdoin family left Falmouth for Boston, Massachusetts, on May 16, 1690, just one day before a disastrous Indian attack destroyed Fort Loyal on Casco Bay.[5]

Peter Bowdoin lived in Boston until his death in 1706. He referred to himself as a merchant and other evidence indicates that he engaged in overseas trading ventures, and also kept a small shop in Boston.[6] There is no record in the Suffolk County Registry of Deeds that Peter Bowdoin owned any property in the town, but his wife listed a house worth £170 in a brief inventory of the estate. The total value of the first Bowdoin's property, all of which was left to his widow, was estimated at £1344.[7]

Elizabeth Bowdoin outlived her husband by almost fifteen years, and finally died in August 1720 at the age of seventy seven.[8] She had considerably augumented Peter Bowdoin's fortune, for the value of her property was set at £2561 in 1720. The inventory of the estate, including silver ware,

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5. R.C. Winthrop, op. cit., 43.
6. Boston News Letter, April 2, August 27, 1705, M.H.S. Colls., 5th series, VI, 88.
7. Probate Records, XXI, 425-7. T. Prime, op. cit., 3.
8. Boston News Letter, August 22, 1720.

gold pieces, and fine household objects, reveals that Mrs. Bowdoin must have lived quite elegantly for that day. In accordance with her will the property was divided among her three living children, James Bowdoin, Elizabeth Robin, and Mary Boutineau.[9]

Elizabeth Bowdoin also left a small bequest to the French church in Boston, which she and her family attended. The Huguenots organized themselves early as a "Church Estate" and first met in the town's school house on School Street. In 1704 they purchased some land on the same street and a few years later erected a brick church, where they met until the congregation dissolved near the middle of the century. With the passing of the original French immigrants, their descendants dispersed and joined the churches already established in Boston.[10]

James Bowdoin, the first man to bear that name in America, was born in Rochelle, France, in 1676. He came as a boy with the family to Maine and then to Massachusetts, where he became a prominent and wealthy citizen. He probably had little or no formal education, but was taught the mercantile business by his father.

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9. Probate Records, XXI, 801-3. (Also in T. Prime, op. cit., 10-11). No inventory appears in the Probate Records but in the Bowdoin and Temple Papers, I, 138, 139, there is a summary made by the executers of the estate, James Bowdoin and Stephen Boutineau.
10. Samuel G. Drake, The History and Antiquities of Boston, 487-9. M.H.S. Colls., 2nd series, II, 63.

In his youth James Bowdoin married Sarah Campbell who bore him six children, only two of whom outlived childhood. A daughter, Mary, married Belthazar Bayard and lived until 1780; and a son, William, was a merchant of Boston until his death in 1773. After his first wife's death in 1713, at the early age of twenty six, James Bowdoin married Hannah Pordage, and by her had four more children. One of these died young, but two daughters, Elizabeth and Judith, and a son, James, survived. Elizabeth and Judith married two prominent politicians of a later day, James Pitts and Thomas Flucker. Hannah Bowdoin's son, James, born August 7, 1726, became the most prominent member of the family and is the subject of this study.[11]

James Bowdoin, Jr.'s mother, Hannah Pordage, was the eldest daughter of a prominent Boston merchant, George Pordage. The latter had arrived from England in the 1680's and had married Elizabeth Lynde, the daughter of Simon Lynde. Mrs. Hannah Bowdoin was of pure English extraction and quite probably the atmosphere in the Bowdoin home during James' childhood was more English than French. Hannah Bowdoin died young, in 1734 when James was only eight years old. The elder Bowdoin married a third wife, Mehetable Lillie, the next year, but no children resulted from this match.

Bowdoin made a fortune, -- perhaps the greatest of Boston at this time -- through his extensive trading opera-

11. T. Prime, op. cit., 4. New Eng. Hist. and Gen. Register, X, 78.

tions.[12] Unfortunately his account books have been lost and knowledge of his business activity must be gleaned from scraps of information from numerous sources.[13] Early in life James Bowdoin was the captain of several vessels engaged in foreign trade, and various references indicate that he visited Virginia, the West Indies, and England, as well as other American ports.[14] On these voyages, or on others in which he had an interest, fish and lumber were shipped to the southern colonies and the West Indies, and tobacco, naval stores, or other products from there were brought to England. Bowdoin imported to Boston in return all sorts of commodities, including coal, glass, raisins, pepper, "Good Cheshire Cheese," "Good Bristol Bear," "Choice Cadiz Salt," cloth, and, on at least one occasion, white servants from Bristol. He advertised these goods from time to time in the Boston News Letter, and offered them for sale at his warehouse on Merchants Row, a waterfront street

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12. Governor William Shirley referred to James Bowdoin as the wealthiest man in the province. Charles H. Lincoln, ed., The Correspondence of William Shirley, I, 13-15.
13. I have discovered documents pertaining to Bowdoin's mercantile affairs in the libraries of the Mass. Historical Society, Bowdoin College, Maine Historical Society, American Antiquarian Society, Yale University, Essex Institute, Pennsylvania Historical Society, New England Historical and Geneological Society, in the Rhode Island State Library and the Massachusetts Archives. A Registry of Vessels in Mass. Bay 1697-1714, Mass. Archives, VII, 85, 301, 420, indicates that James Bowdoin was part owner of at least three vessels -- the Sarah, of about 45 tons, the Thomas and Elizabeth of about 600 tons, and the Sea Nymphe, of about 400 tons.
14. See Boston News Letter, April 2, Sept. 3, Oct. 22, 1705; Aug. 19, 1706, Feb. 10, March 10, August 4, 1707.

running from the Town Dock to King (now State) Street.[15]

During King George's War with the French, 1740-1748, Bowdoin was one of the Boston merchants who provided supplies for the British and provincial troops. In 1745, his son, William, went to Louisbourg on Cape Breton Island, partly "to see the place," and partly for business reasons. He supervised his father's shipments to William Pepperrell, leader of the land forces, and to Peter Warren, commander of the English fleet at Louisbourg. William Bowdoin was also instructed to purchase "East India goods" and "good sea coal" to be shipped to Boston.[16]

Like the other merchants of New England, James Bowdoin had little respect for the navigation laws of the mother country. During King George's War, when trade with Spain was prohibited, the Americans refused to sacrifice profits to patriotism. One Rhode Island merchant, a Mr. Lockhart, wrote to an associate that he had advice from Boston

> "of my friend Mr. James Bowdoin that wines were rising there and like to be high in demand, and that notwithstanding our present rapture, as also the reported prohibition of commerce with Spain, we could easily procure admittance for this country wines under the name of Madera, providing were put into pipes of that country."[17]

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15. Boston News Letter, October 27, 1712; Sept. 27, Oct. 4, 1714; Nov. 14, 28, 1715; March 4, April 29, May 6, 1717; Oct. 27, 1718; May 28, 1722; Nov. 25, 1725; March 8, 15, 22, 1733.
16. Bowdoin and Temple Papers, I, 9, 10, August 21, 1745. M.H.S. Colls., 6th series, IX, 364-5, August 21, 1745.
17. Quoted by Wm. B. Weeden, Economic and Social History of New England, II, 604.

Whether or not Bowdoin received any of the wine is not known, but clearly he had no scruples about participating in a profitable if illicit trade. The New Englanders regularly disregarded the mercantile regulations, and when the English decided to enforce the navigation acts, the merchants made the first concerted protest against British authority.

James Bowdoin invested a great portion of his profits from mercantile business in real estate and mortgages. This was the usual thing for a man of wealth to do in eighteenth century America, for real estate investments were the safest and most profitable to be made. The Suffolk County Registry of Deeds records that Bowdoin owned, or had an interest in, innumerable properties in every section of Boston. In addition to these holdings he also owned land in the towns of Roxbury, Braintree, Stoughton, Hingham, Newton, Oxford, Middleborough, Scituate, Marshfield, Eastham, and in the western part of Massachusetts; in Kingston, Rhode Island; and in southern Maine. In 1730 Bowdoin also bought part of Naushon (Elizabeth) Island in Vineyard Sound and in 1761 his heirs acquired control of the entire island.[18]

The fact that James Bowdoin owned so many houses in Boston makes it difficult to determine precisely where he lived. A logical suggestion is that he occupied a brick

18. A.F. Emerson, Early History of Naushon Island, passim. Letter Book of Governor Bowdoin, Mass. Hist. Society, 13, December 4, 1760.

house on Milk Street, on the east corner of Bishop's Alley (now Hawley Street), and not far from where his mother, Mrs. Peter Bowdoin, had lived. Milk Street ran from Cornhill (now Washington) Street to the waterfront, and was near the business and government district of the town. From this residence Bowdoin could easily reach his warehouse on Merchants Row and other places of regular interest. A survey of this locality will facilitate an understanding of James Bowdoin, Junior's youth.[19]

Close by on School Street was the French Huguenot Church and the home of Reverend Andrew Le Mercier, a close friend of the Bowdoins. Also on that street was the South Latin School of Master John Lovell, which both William and James, Junior, attended. Furthermore, James Bowdoin's sister, Mary, and her husband Stephen Boutineau, lived on School Street. At the western end of Milk Street was Bulfinch (now Washington) Street, where several of Bowdoin's business partners had their homes. John Campbell, postmaster, and printer of the Boston News Letter for many years lived a few steps north of the Old South Meeting House on the east side of the street; a bit farther north on that side was the house of James Pitts, merchant, whose son later

19. Most of this and the following material is taken from Annie H. Thwing, The Crooked and Narrow Streets of the Town of Boston 1630-1822, Boston, 1930, and Samuel A. Drake, Old Landmarks and Historic Personages of Boston, Boston, 1876.

married Bowdoin's daughter, Elizabeth; and just across Bulfinch Street lived Peter Faneuil, who married Bowdoin's niece, the daughter of Stephen and Mary Boutineau.

For other than personal reasons the Bowdoin neighborhood must have been an interesting one for young James. It was part of the business district of eighteenth century Boston, a growing town of about 13,000 inhabitants in 1730, and the largest town of British North America.[20] James no doubt often visited the Town Dock and the Long Wharf where he could watch his father's and other merchants' vessels arrive with strange cargoes and then depart for foreign ports again. Probably William Bowdoin, who followed his father's footsteps as a merchant, had greater interest in these business activities than did his younger brother.

This section of Boston was also the center of governmental activity in the province of Massachusetts Bay. Just south and west of the juncture of Milk and Bulfinch Streets was the Province House, the official residence of the royal governors. The figures of Jonathan Belcher, his successor, William Shirley, and visiting dignitaries, must have been familiar

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20. Carl Bridenbaugh, Cities in the Wilderness, 303n. The Boston News Letter, March 4, 1731 gave figures to show that Boston was the busiest port of America between December 1729 and December 1730.

	Entered Inwards	Cleared Out
Boston	533	628
Rhode Island	126	130
New York	211	222
Philadelphia	161	171

ones to the Bowdoin boys. Not far away, up Bulfinch Street, at the head of King Street, stood the Town House where the General Court of Massachusetts usually met. In this vicinity, doubtlessly, young James saw and recognized many of the prominent men from all parts of the province.

The Bowdoin house, itself, was sometimes the gathering place of prominent business men and politicians, although James Bowdoin, Sr., took little part in politics until late in life. The elder Bowdoin was well known, however, and, by virtue of his wealth, a man of considerable influence and social distinction. Benjamin Lynde, Jr., Mrs. Hannah Bowdoin's cousin, records in his diary that he often dined at the Bowdoin home, and on April 7, 1736 wrote that "The Court supped at Boodwin's." A few days later Lynde noted that he "supped with a great number of Representatives and Councillors at Bodowin's."[21] Thus, James, Jr., must have had an early introduction to the highest social circle of Boston.

In 1734, at the age of eight, James began his formal studies at the South Latin School on School Street. Master John Lovell commenced in the same year his long period of leadership of this old educational institution. The usual course of study at the school was six years long, during which time the students learned the fundamentals of Latin and Greek through such authors as Caesar, Tully, Virgil,

21. The Diaries of Benjamin Lynde and Benjamin Lynde, Jr., (Boston 1880), April 7 and June 2, 1736.

Xenophon, and Homer. The class of 1734 included James Bowdoin's cousin, Isaac Boutineau, and a number of Bowdoin's later classmates at Harvard -- Arnold Welles, Thomas Downe, William Davis, and John Phillips.[22]

At the age of fifteen, in June, 1742, James Bowdoin was admitted to Harvard College in Cambridge, along with twenty three other freshmen who had passed the entrance examinations.[23] According to the admission requirements, students had to be able

> "extempore to read, construe and passe Tully, Virgil, or Such like common Classical Latin Authors; and to write true Latin in Prose, and to be Skill'd in making Latin verse, or at Least in the rules of Prosodia; and to read, construe, and parse ordinary Greek, as in the New Testament, Isocrates, or such like, and decline the Paradigms of Greek Nouns and Verbs."[24]

Bowdoin stood second to Arnold Welles on the class list which included James Warren of Plymouth, Nathaniel Ropes of Salem, Ishabod Plaisted, William Sever, Andrew Higginson, and Oliver Peabody, among others. While attending Harvard Bowdoin lived in Massachusetts Hall No. 12 with Mr. Prentice.

In 1742, Harvard College was no longer the narrow theological seminary that it had been originally. The study of theology was still part of the curriculum, but the blight of Calvinism was being overcome by expanding interests. The

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22. Catalogue of the Boston Public Latin School, 35-7, 50-1.
23. Records of the College Faculty, MSS, Harvard Archives, I, 165-6. Harvard Univ. Quinquennial Catalogue of the Officers and Graduates 1636-1930 (Cambridge, 1930), 184
24. S.E. Morison, Three Centuries of Harvard, 103.

great Whitefield was received courteously at Cambridge in 1740, but he was not pleased with the liberal tendencies he discovered amongst the students. Under President Edward Holyoke (1737-1769), a progressive-minded man, the curriculum was reorganized and greater interest in political science and natural philosophy resulted. In 1738 John Winthrop, a scientist and friend of Benjamin Franklin, became Professor of mathematical and physical sciences.[25] Winthrop influenced James Bowdoin considerably, especially in the studies of electricity, and the two men remained friends and correspondents until Winthrop's death in 1779. The new atmosphere at Harvard in the eighteenth century was only a reflection of a growing materialism and worldliness in all phases of New England life.

From all indications Bowdoin was a serious and industrious student, although he occasionally missed classes. His fines for "cutting" however, were not as great as those of some others. In September, 1744, Bowdoin and his classmates met to elect officers, and the occasion was attended with such frivolity that the boys were severely punished. Having consumed "an Extraordinary Quantity of Strong Drink" they remained together until after nine in the evening, and became quite boisterous. Two of the masters ordered the boys back to their rooms, but they refused to disperse and continued making "indecent Noises." For this revelry all except a

25. Ibid., 83, 86, 90, 92.

few of the class were fined: 5 shillings for making "said indecent Noises"; 10 shillings for not dispersing immediately; and 2 shillings for being out after nine o'clock. Two of the worst offenders, "convicted of a very high misdemean'r in making a Contemptuous Noise and Hallowing in the hearing of Mr. Flynt and Mr. Mayhew," were degraded in the class list. James Bowdoin was not one of those exempt from punishment.[26]

In 1745 Bowdoin completed the prescribed course and received his bachelor's degree. He remained at Harvard for post-graduate work, and was awarded a master's degree three years later. Apparently he continued his study of science, but also became interested in political economy, for his thesis was entitled "Whether commutative justice requires equality between labor and wages." Bowdoin responded in the affirmative. Following his training at Harvard, Bowdoin studied for a time at Yale College in Connecticut, and received another A.M. in 1750 from this institution.[27]

On September 8, 1747, James Bowdoin, Senior, died at the age of 71, and was buried in the family tomb in Granary burial ground. By his ability and industry he had accumulated one of the greatest, if not the greatest, fortunes of his day. The estate, which he left to his heirs, was

26. Records of the College Faculty, I, 191, 219-221, 222.
27. Harvard University Quinquennial Catalogue, 184. Theses and Quaestiones, 1737-1810, 1748.

worth close to £100,000 sterling.[28]

According to the provisions of Bowdoin's last will,[29] -- drawn the day before he died -- modest bequests were made to the French church, Reverend Andrew Le Mercier, Reverend Samuel Cooper, the poor of Boston, and to his sisters Elizabeth Robins and Mary Boutineau. The widow, Mehitable Bowdoin, was granted a house in the west end of Boston, "the four wheeled chaise and two horses," and an annual sum of £100 sterling (only £40 if she remarried) on the condition that she relinquish to the heirs her dower or "power of third" in real estate. The remainder of the estate was divided as follows: four sevenths to William and James Bowdoin; one seventh to daughter Elizabeth Pitts; one seventh to daughter Judith Flucker; and one seventh to the children of daughter Mary Bayard.[30]

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28. R.C. Winthrop, op. cit., 44. Inventory of estate in Probate Records LXXVIII, 374-394. In the Library of the Maine Historical Society I have located an inventory drawn by the executors, dated May 31, 1757, which declares that the "Land and Money" amounted to £ 82,875.15.1.
29. Probate Records, XL, 167-170; LXXXVIII, 370-373. A warrant for the division of the estate appears in XL, 172-3, Sept. 19, 1749. Drafts of Bowdoin's last will are to be found in Mass. Archives, XVIII, 260-3, 316-20, and in the Bowdoin and Temple Papers, I, 11. Cancelled wills, dated 1724, 1730 and 1741 appear in Bowdoin and Temple Papers, I, 1, 5, 7.
30. Mary Bayard and her father had some sort of a quarrel which caused him to disinherit her. She protested the will of Sept. 7 on the ground that just before he died Bowdoin had decided to make provision for her. A long investigation followed with hearings before the Governor and Council, but the claim was not allowed. Papers relating to this matter are in the Mass. Archives, XVIII, 315, 321-4, 449, 450-1, 452-3, 467-8, 468-9, 470-1, 471-4, XIXA, 20-21.

William Bowdoin received the home on Milk Street, warehouses and wharves on King Street, warehouses No. 14 and No. 27 on the Long Wharf, and several other houses in Boston as well as his share of the money and household effects of his father. The Milk Street dwelling was fortunately not destroyed by the disastrous fire of 1760 and eventually became the residence of James Bowdoin III, who married his cousin Sarah, the daughter of William Bowdoin.[31]

James Bowdoin received from the estate a number of pieces of property in Boston, among which were land and buildings on Ann Street, Scottow's Alley, King, Fish, and Marlborough Streets. In addition to this, his share included such items as a four wheeled chaise, furniture, wearing aparell, negroes, and silver plate. In all, a reasonable estimate of the value of James Bowdoin's inheritance seems to be £100,000 old tenor -- in any event an estate which made him independently wealthy.[32]

In September, 1748, Bowdoin married Elizabeth Erving, the second daughter of John Erving, a wealthy merchant and landowner of Boston.[33] Erving had come to America from the Orkneys in the early 1700's, and married Abigail Phillips, the daughter of John Phillips. Two of Elizabeth Erving's sisters also married well. Mary was the wife of Colonel

31. Probate Records, XLIII, 173-7.
32. Ibid., XLIII, 177-182.
33. An account of the Erving family appears in T. Prime, Some Account of the Bowdoin Family, (1900), 15-16. See also J.H. Stark, Loyalists of Massachusetts, 298-9.

George Scott, governor of Dominica and Granada in the West Indies; and Anne married Duncan Steward, a wealthy Scotch merchant. Among John Erving's ten children was John, Junior, who was a loyalist, a mandamus councillor in 1774, and one of those who fled from Boston with the British in 1776. Elizabeth Erving Bowdoin bore her husband two children, -- Elizabeth, born in 1750, and James III, born in 1752.

The location of the Bowdoins' home in the early years of their marriage is a mystery, for they might have lived in one of several buildings they owned in Boston. In 1756, however, James Bowdoin acquired the elegant mansion on Beacon Hill which was his residence for the remainder of his life. I have found no record of the construction of this building, but note that the site was owned by one John Fayerweather, who died in 1712. After belonging to a series of owners, it came into the possession of John Erving, from whom Bowdoin purchased it.[34]

This house was situated on the north side of Beacon Street, just east of Middlecott (now Bowdoin) Street, where the Hotel Bellevue now stands. The Bowdoin mansion was a stately frame structure, situated some distance back from

34. Fifth Report of Record Commissioners, 8, 81, 85-6. Allen Chamberlain, Beacon Hill, 13, 19-20, 49-50; Annie H. Thwing, Crooked and Narrow Streets of Boston, 218-219, erroneously asserts that Bowdoin purchased the property from Jonathan Pollard, who had acquired it in 1703 from John Fayerweather.

the street, and it had a high flight of stone steps in front. The land accompanying the house extended a considerable distance back where outhouses were built for the animals and the carriages of this gentlemanly establishment.

Here on Beacon Hill some of the leading citizens of Boston lived.[35] Immediately to the east of the Bowdoin mansion was the home of William Phillips, Senior, on the highest spot in Boston in the eighteenth century. Phillips was also a wealthy merchant and one of Bowdoin's political colleagues. Across Middlecott Street, where the east wing of the new State House stands, was the home of William Mollineux, a merchant and notable patriot of the pre-revolutionary period. No building, apparently, stood on the State House site until 1795, but just westward on Beacon Street was the famous Hancock house, erected by Thomas Hancock and inherited by his nephew, John, in 1764. This western district of Boston was rapidly becoming the fashionable residential section for the aristocracy of the town.

From references in occasional letters it is possible to conclude that the Bowdoin mansion was luxuriously furnished, and that the family lived quite elegantly. Included in the househould items were gold objects, a considerable amount of silver plate, fine cloth for various uses, family portraits

35. Fifth Report of Record Commissioners, Allen Chamberlain, Beacon Hill, A.H. Thwing, Crooked and Narrow Streets of Boston, S.A. Drake , Old Landmarks of Boston, passim.

by Smibert, and a magnificent library which eventually numbered over twelve hundred volumes. As yet, few of the righteous New Englanders had moral scruples about slavery, and, according to the fashion, James Bowdoin kept several negro servants. Also the Bowdoins imported the finest wearing apparel from England. One of the orders to Messrs. Lane and Booth in London requested six pair of "black fine worsted stockings of middlesize," and "2 patterns of fine black worsted for Breeches of 4 thread." Another order indicates that Mrs. Bowdoin or young Elizabeth sported such finery as "a fashionable headdress of muzline with handkerchief ruffles," "a rose colored Sarsenet quilted Petticoat," hats, muffs, lace, a necklace, and earrings. Doubtlessly the Bowdoins lived in a style equal to their position at the head of the Boston aristocracy.[36]

For several years after college days, James Bowdoin led the leisurely life of a gentleman of independent means, pursuing intellectual studies and caring little for practical business affairs. Although he was referred to as a merchant, he spend little time in such activity.[37] Bowdoin's

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36. Bowdoin Letter Book, 6, 88, 112, 137, 157-8. M.H.S. Proc., 2nd series, I, 225; XII, 322-323.
37. Governor Bowdoin's letter book in the Mass. Historical Society contains a few brief accounts for the period 1748 to 1751. Bowdoin was one of the owners of the brigantine Lion which is mentioned in the Dalton Journal, Mass. Hist. Society, 11, July 27, 1751. A bit later, in 1763, Bowdoin and James Pitts wished to open up a trade

only business interests of any importance were his extensive real estate investments. He owned the whole or part of numerous properties in Boston, and acquired vast holdings of undeveloped land in western Massachusetts and in Maine.

In his youth James Bowdoin read widely on scientific matters, and corresponded regularly with Benjamin Franklin. His main interest was in electricity and astronomy. In 1745 or 1746 and again in 1750 he visited Philadelphia, and impressed Franklin with some of his thoughtful suggestions. Franklin respected Bowdoin's opinions for he asked for his observations on all his "Electrical Papers." Bowdoin had some ideas of his own on this subject which he in turn submitted to Franklin. The latter thought well enough of one of Bowdoin's papers, on the subject of light in sea water, to present it at the Royal Society in 1756. Another of Bowdoin's scientific friends was his former teacher, Professor John Winthrop of Harvard College, a thoughtful student, himself, of electricity. James Bowdoin's serious studies in science earned him a reputation which eventually led to his election as a Fellow of the Royal Society of London.[38]

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between New England and Grenada, with the help of Governor George Scott (Bowdoin's brother-in-law), but nothing came of the plan. Bowdoin Letter Book 46, 51, 51-2, March 1, May 30, 1763.

38. R.C. Winthrop, Washington, Bowdoin and Franklin, 45. M.H.S. Proc. 2nd series, VII, 340-1. Bowdoin and Temple Papers, I, 16, 17, 20. A.H. Smyth, Writings of Benjamin Franklin, III, 52, 73-7, 122-3, 125-6, 163, 191-3. J. Sparks, Works of Franklin, V, 255-7, 263-7, 276-8, 279-280; VI, 190-2; VII, 78.

But it is not as a scientist or merely as a wealthy and respectable gentleman that James Bowdoin deserves careful attention. Unlike his father, he began to participate in politics at an early age; in 1753, at the age of twenty-seven, he was elected to the House of Representatives. The elder Bowdoin had quite naturally sympathized with the merchant party in the province, and had joined in the opposition to such inflationary monetary schemes as the Land Bank. He also had been a director of the sounder Silver Bank, and a conservative Councillor from 1744 to 1746.[39] Young James did not share his father's interest in business, but he inherited a conservative outlook on life which colored his political activity for several years. The transformation of this wealthy Bostonian of conservative background into a supporter of the patriot cause is the important and difficult subject of this study.

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39. Papers on the Land Bank and Silver Bank prepared by A.M. Davis, Pubs., Col. Soc. Mass., IV, 143-163, 195-201.

CHAPTER II

THE NEW COLONIAL POLICY - 1760 TO 1764

James Bowdoin's career in politics before the Revolution cannot be considered apart from the institutions which so largely determined the nature and course of his political activities. Like many other aspiring Americans, he found that royal appointments, through which the prerogatives were maintained, were not open to him. Lacking those connections which might have gained for him a mark of royal favor, Bowdoin was dependent upon his position and influence among his fellow citizens for political opportunities. These opportunities he found in the most democratic phase of American life -- the elections.

It was not difficult for a man of Bowdoin's wealth and ability to secure election to the Massachusetts assembly. Although class lines in America were not as sharply drawn as in Europe, the colonists generally respected men of education and property, and often turned to them for political leadership. The House of Representatives contained many men of little wealth and some of little education, but the citizens of Boston usually elected some men of Bowdoin's class to represent them. From 1753 to 1757, in innocuous and respectable fashion, he served his political apprenticeship in the House.

Following these uneventful years, Bowdoin was elected to the Council where he remained, except for one year, until 1774. This body served as an advisory board to the governor and as the upper house of the legislature. Curiously enough, the Massachusetts House of Representatives had the power to elect the Council, even though the latter body was designed to check the influence of the lower house. This unique situation among the royal colonies was the paradoxical result of the compromise charter of 1691. But to counterbalance the assembly's power of electing the Council, the Governor was authorized to negative undesirable Councillors. Thus it was expected that influence of the executive over the Council would at least in part be maintained.

Throughout the American colonies in the eighteenth century there was a decline in the power of the prerogative elements of government. This tendency is illustrated in Massachusetts in the increasing encroachment of the House of Representatives upon the authority of the upper house and the governor. Yet the elective Council remained conservative until the eve of the Revolution, and often impeded the lower house in its aggressive activity. Through the governor's influence in the house and his power of negativing Councillors, control of the Board was usually maintained. But when the governor's control over the Council declined, the differences of opinion which developed between that body and Governors Bernard and Hutchinson assumed considerable importance, especially since

these royal executives were hesitant to act without the assent of the upper house. The story of how this normally conservative Council became increasingly liberal in the period 1760-1774, and the part played in this change by James Bowdoin, is an important phase of the revolutionary struggle in Massachusetts.

In Massachusetts, as elsewhere, different sectional interests gave birth to political factions. The merchants and other conservatives of the seacoast were opposed by the inland country people, who were sometimes joined by the laborers and artisans of the towns. Except in a few notable instances the mercantile or prerogative party managed to dominate the General Court until about 1760. Gradually, however, the popular and more democratic elements of the population grew stronger, and after the Seven Years' War generally outweighed the "Friends of Government" in influence and power. This local political contest was an essential preliminary of the larger, imperial phase of the American Revolution.

Early in his political career, Bowdoin was considered a "Friend of Government" and a supporter of the prerogative party. The elder Bowdoin, the wealthiest Boston merchant of his day, had been a member of the mercantile party and it was natural for the son to inherit his father's political and economic conservatism. For about ten years in political life, until about 1764, Bowdoin ran true to form, but after the Seven Years' War he became an active supporter of the

opposition party. A major purpose of this study is to explain this unusual personal change in the light of general developments in Massachusetts.

During Thomas Pownall's term as governor of the province of Massachusetts Bay (1757-1760), the mercantile faction's domination of the government came to an end. In his administration there was such a lack of factional dispute that the political scene was friendly and quiet. This tranquillity in politics resulted partly because Pownall was tolerant and conciliatory, and partly because the economic situation of New England during the early phase of the Seven Years' War was unusually favorable. Even the leaders of the popular faction regarded Pownall as so reasonable a leader that in later years Massachusetts people looked back longingly to his happy administration. Then too, the war with France produced a psychological environment in which there was a minimum of dispute. In fact expressions of loyalty to Great Britain were misleadingly numerous as fear of the enemy, especially in the outlying settlements, caused Americans to seek British protection. Again, the war brought prosperity to New England, with the presence of more money, resulting from British purchases of military supplies, and generally increased commercial activity. Massachusetts was so peaceful in 1760 that Governor Bernard could refer to the unprecedented "Happiness of the present Times ... when all Parties are united and even the Voice of Faction is silenced; when the sovereign is acknowledged to be the Maintainer of

the Priviledges of his Subjects, and the People are become the Supporters of the Prerogative of the Crown ..."[1] That the peaceful administration of Governor Pownall was but a brief interlude in a long and stormy political struggle, and that beneath the veneer of tranquility deep antagonisms still persisted, the turbulent history of the next few years gives ample evidence.

The merchant colonies like Massachusetts occupied an anomalous position in the mercantile empire.[2] Instead of contributing raw materials or staple produce and providing a market for British products, the northern trading colonies rivalled Great Britain in commercial ventures and tended to develop competitive manufactures as well. This fact was recognized and stated quite early.[3] Economic writers pointed out that the only advantage in retaining the northern colonies lay in their ability to supply the Sugar Islands, "for want of which they would otherwise be prejudicial Colonies to their Mother Country."[4] Lord Adam Gordon could note a stronger attachment to England in the southern colonies than in the northern provinces "which having hardly any

1. Bernard to General Court, August 18, 1760.
2. For secondary treatment see: G.L. Beer, British Colonial Policy, 135, 161; J.T. Adams, Revolutionary New England, 92; W.L. Grant, "Canada vs. Guadaloupe," A.H.R., XVII, 735 ff; Camb. Hist. of British Empire, I, 572-3.
3. T. Child, New Discourse of Trade, (c. 1668), 2nd ed., 213.
4. Wood, Survey of Trade, (1719), 49, (quoted by Adams, Revolutionary New England, 93).

Staple Commodities of their own growth, except Lumber, Stock and Horses, depend mostly on Smuggling Molasses and other Contraband Commodities."[5] Indeed, so antagonistic were the economic interests of England and New England that some doubted the advisability of retaining control of the latter. While travelling in South Carolina in 1773 Josiah Quincy met an English Tory who believed "that Great Britain would do wisely to renounce the colonies to the North ..."[6]

Due to the lack of staple produce, the New Englanders continually found themselves with an unfavorable balance in their trade with England. The value of imported British goods regularly exceeded the value of colonial shipments to the mother country, and Americans were forced to seek specie or bills of credit elsewhere. Various circuitous means were adopted by the ingenious New England merchants in their endeavor to counteract their deficit in the British trade. They shipped fish to southern Europe and the West Indies, plied the molasses-rum trade, distributed slaves and engaged in the coastal carrying business. Most important among their dubious expedients was the trade in molasses and rum, the greatest part of which was illegal. The Navigation Act of 1733 with its six penny duty per gallon on foreign molasses imported into the English colonies was prohibitive in intent,

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5. "Journal of Lord Adam Gordon", Travels in the Am. Colonies, Mereness, ed., 398.
6. "Journal of Josiah Quincy", March 8, 1773 in J. Quincy, Life of Josiah Quincy, 101.

and if enforced would have seriously impaired the economy of New England. This mercantile regulation was regularly circumvented by the practical Yankees with the connivance of the customs officials and other royal officers. Thomas Hutchinson wrote that "The real cause of the illicit trade in this province has been the indulgence of the officers of the customs."[7] Notwithstanding the illegality of free trade with the foreign colonies, and the duplicity of his majesty's amenable servants, the intercourse with the West Indies was vital to the northern merchants, and the attempted restriction of it was to evoke the first concerted opposition to British authority.[8]

During the last struggle with France, 1756-1763, the English war effort was seriously undermined by the illicit trade of the colonists with the enemy.[9] Colonial merchants greatly expanded their smuggling activities and profitably prolonged the war by their shipments of supplies to the French. In the conflict of patriotism versus profit Americans sacrificed honor to pecuniary advantage. The great demand of the French West Indies for northern food stuffs coupled with the normal desires of the English trading colonies for profit explains this clandestine intercourse. To the New England

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7. Hutchinson Correspondence, Mass. Archives, Sept. 17, 1763, XXVI, 69.
8. For secondary treatment see A.M. Schlesinger, The Colonial Merchants and the American Revolution, 1763-1776, 24-26.
9. G.L. Beer, Br. Col. Policy, 1754-1765, 72-131; A.M. Schlesinger, Col. Merchants and the Am. Rev., 45-6; W.S. McClellan, Smuggling in the Am. Colonies, 48 ff; J.T. Adams, Revolutionary New England, 267-8.

merchants, who were long accustomed to evading obnoxious legal restrictions, it meant little that Parliament had declared such trade illegal or that they were impeding the prosecution of the war. In the face of this colonial duplicity, William Pitt inaugurated measures intended to make existing navigation laws effective.

In August of 1760, Pitt dispatched a circular letter of instruction to the various provincial governors. Having "Intelligence of an illegal and most pernicious Trade, carried on by the King's Subjects in North America, and the West Indies," the prime minister ordered "the strictest Enquiry into the State of this dangerous and ignominious Trade."[10] Although Governor Bernard, with the advice of a council committee,[11] replied in November that Massachusetts merchants were innocent in this respect, the trade with the French was in reality expanding.[12] Nevertheless the new attitude of the British government resulted in the collection of considerably more revenue, and increased the number of cases involving seizures in vice-admiralty courts.[13] American merchants were quick to oppose this more efficient customs service, and the most notable and concerted opposition occurred in Boston.

Also in the year 1760 a new and officious Surveyor-General

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10. J. Quincy, Mass. Reports, 407.
11. Bernard Papers, I, 284, Nov. 8, 1760; Committee report, Nov. 7, 1760.
12. J.T. Adams, op. cit., 268; A.M. Schlesinger, Col. Merch., 45-6.
13. G.L. Beer, Brit. Col. Policy, 1754-1765, 115-116.

of Customs for the Northern district of America was appointed. That gentleman was John Temple[14] who, a few years later, in 1767, married Elizabeth, the only daughter of James Bowdoin. Although born in Boston, the new Surveyor-General had been brought up in England where he had gained influence with the Grenville family. When he arrived in America, Temple examined the customs service and found it confused and inefficient.[15] The extent of illegal trade and the connivance of royal servants in the evasion of the law were deplorable. The only active customs official was Charles Paxton, who "had made more Seizures than all the other officers in the port together."[16] John Temple now proposed to enforce the navigation acts, to reduce clandestine trade, and to bring efficiency to his Majesty's customs service. The displeasure of the merchants in the last years of the French and Indian War was partly due to the activity of this Surveyor-General.

There were several ways in which the Boston merchants sought to hinder the operation of the Customs Service. First of all they seized upon an irregularity in the execution of the Molasses Act of 1733 to attain their purpose. According to that law one-third of all forfeitures in Vice Admiralty Courts were to be awarded to the King for use within the

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14. Biographical notice in M.H.S. Colls., 6 series, IX, Preface.
15. Temple Letter Book, M.H.S., 8, Jan. 1, 1760.
16. Temple Letter Book, M.H.S., 22, May 8, 1763.

province where the violation occurred. In Massachusetts an irregular practice had sprung up in that "The Assembly had suffered the share given to the Province to lie in the Court."[17] Under the pretext of recovering damages for the colony, the merchants endeavored to remove some of the rewards received by the customs officers from seizures. Despite the opposition of Governor Bernard, the General Court authorized Harrison Gray, the province treasurer, to seek redress in the local common law court.[18] The Superior Court of Massachusetts, however, with Chief Justice Thomas Hutchinson presiding, found for the defendants.[19]

While this affair was in progress, a more famous and important controversy occurred in Massachusetts -- that concerning the legality of writs of assistance.[20] These were a type of general search warrant issued by the Superior Court to customs officers enabling them to search any premises for smuggled goods. Such writs were valid during the life-time of the King and for six months after. Since George II died in 1760 it was necessary to obtain new warrants, and it was the issuance of these that the Boston

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17. T. Hutchinson, Hist. of Mass. Bay, III, (Cambridge, 1936), 65.
18. Journal of the House of Representatives, Dec. 19, 1760; Jan. 13, 1761; Jan. 27, 1761; Jan. 31, 1761; April 15, 1761; Court Records, Dec. 26, 1760; Jan. 14, 1761; Jan. 27, 1761; April 15, 1761. Acts and Resolves, XVII, Appendix XI, 667-8, 743.
19. T. Hutchinson, op. cit., 66.
20. J. Quincy, Mass. Reports, Appendix (Boston, 1865) gives all documentary materials. The account ofJohn Adams appears in his Works, X. Wm. Tudor, Life of Otis (Boston, 1823) is based on Adams.

merchants sought to prevent. They challenged the legality of the writs of assistance and in February 1761 engaged a young firebrand, James Otis, Junior, and Oxenbridge Thacher, to defend their position before the Superior Court. Although he had little legal basis for his contention,[21] Otis delivered a memorable harangue with "a torrent of impetuous eloquence."[22] In a fervent plea for local judicial review of acts of Parliament, he denounced these general search warrants as contrary to the natural rights of colonists as men and Englishmen. Many years later John Adams recalled the scene he had witnessed in the Council chamber as a youth and wrote "American independence was then and there born."[23] Notwithstanding the efforts of James Otis, the obnoxious writs of assistance were declared legal and were used regularly thereafter by the customs officers. The contest was of lasting importance, however, since it popularized doctrines which were to be part of the American democratic tradition.

Failing in the previously mentioned measures, the merchants instituted proceedings in common law courts to recover fines exacted by the vice-admiralty court for violations of acts of navigation. Governor Bernard viewed these actions with apprehension, noting to the Lords of Trade that they "have an immediate tendency to destroy the Court of

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21. They had been used in England from time of Charles II and in America since 1755.
22. J. Adams, Works, X, 183.
23. Ibid., 233, 247.

Admiralty and with it the Custom house which cannot subsist without that Court."[24] The most famous of these cases was that of John Erving, Bowdoin's father-in-law, against Cradock, one of the customs officers. Cradock had seized one of Erving's vessels which he found engaged in illicit trade. Admitting his guilt, Erving paid a fine of £500 and then resorted to local courts to recover damages. Despite the opposition of Chief Justice Hutchinson, Governor Bernard and Mr. Temple, the Superior Court of Massachusetts awarded Erving £550.[25] Shortly after, however, when Cradock appealed to the King in Council, the case was suddenly dropped and Erving gave up "all pretensions to the said Judgment."[26] John Temple believed this reversal was due to "some little Spirit of Resolution" evident in the Customs service. Whatever the reason, this turn of events caused the cessation of several similar actions brought in 1761.

This did not stop the agitation of the Boston merchants, however. They were particularly displeased at the vigorous enforcement of the Navigation Acts in Massachusetts expecially since in neighboring provinces, smuggling was carried on with notorious openness. Governor Bernard wrote to Pitt in the fall of 1761 that Boston was "the most commendable" American

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24. Bernard Papers, II, 45-50, August 6, 1761. This is a long letter describing in detail the various cases.
25. J. Quincy, Mass. Reports, 553-556.
26. Temple to Commissioners of Trade, March 29, 1762, Temple Letter Book (MSS., Mass. Hist. Society).

port in "its observance of the laws of trade." Yet the flagrant and unpunished illicit trade of Rhode Island "has render'd the merchants here disposed no longer to submit to the usual restraints." Bernard confided to the prime minister that he thought the complaint of the Bostonians against such discrimination was "reasonable."[27] In the public press, notably the Boston Gazette, that organ of "scurilous scriblers", the importers kept up a merciless barrage against Hutchinson and the customs officers.[28]

The leaders of the merchant faction were young James Otis and one Barrons, recently collector of the port of Boston. Governor Bernard referred to the discontented Barrons and "his Confederacy" as the source of "all the trouble I have had in this Government."[29] Indeed, there seems to have been an organized society of merchants directing the attack.[30] Otis was elected Boston's representative in the assembly in 1761 following his display of eloquence in the writs of assistance case. In the legislature he was able to combine the old country party and the merchant group in opposition to Bernard, Hutchinson, and the customs officers. Otis was popular enough and powerful enough in the winter,

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27. Bernard Papers, II, 14-16, Sept. 28, 1761.
28. Eg. Dec. 7, 1761; Jan. 4, 1762.
29. Bernard Papers, II, 7, July 12, 1761.
30. See C.M. Andrews, "The Boston Merchants and the Non-Importation Movement", Col. Soc.Mass., Publications, XIX, 161n. Also note G.L. Beer, British Colonial Policy, 1754-1765, 118.

1761-62, to control the House of Representatives. Except for the restraining influence of the Council, the Otis faction might have dominated the political scene in Massachusetts at this time.

Most contemptible in the eyes of both the merchants and the popular faction was Thomas Hutchinson. As a member of one of the wealthy mercantile families of Massachusetts, he might have been expected to sympathize with the importers in their agitation against the government. Before 1760, Hutchinson was the leader of the conservative, mercantile party. Shortly after, however, his fidelity to the crown in his official positions caused him to disregard personal economic interests and to support the navigation laws and the customs service. In addition to this odious fact, Thomas Hutchinson displayed a veritable lust for power by acquiring for himself a number of important government posts. He was Lieutenant Governor, Councillor, and Chief Justice of the Supreme Court. In these various capacities, he upheld the customs officials, and as long as he remained in the Council he managed to keep that body faithful to Governor Bernard. Personal antagonisms played an important part in the early struggle in Massachusetts, and popular distrust of Thomas Hutchinson was no inconsiderable factor.

It is impossible to ascertain in all instances whether the leaders in this contest were motivated by local personal politics or by consideration of imperial problems. Otis

sported a personal grudge, and later popular figures were not entirely without them. The opponents of Otis declared that his opposition to government was occasioned by Bernard's failure to appoint Colonel James Otis, Sr., to the Superior Court in 1760.[31] An earlier governor, William Shirley, had promised the elder Otis such an appointment when a vacancy should occur, but Governor Bernard, feeling no obligation to such a commitment, gave the position to Thomas Hutchinson instead. When the younger James Otis assumed leadership of the opposition party, he was accused of harboring private resentments. Of course Otis denied this charge vehemently.[32] It should be noted that Hutchinson usually personalized the struggle in Massachusetts, and imputed personal motivation to other opponents of British authority, including Sam Adams, Joseph Hawley, and James Bowdoin. Although there was some basis for Hutchinson's contentions, he seems to have oversimplified the struggle in this way. Sometime later Josiah Quincy, a Boston Patriot, wrote disgustedly that "Private pique, envy, and personal resentment" prevented the solution of important problems.[33] It is certain that behind imperial issues there were often local antagonisms which both the patriots and their opponents

31. T. Hutchinson, Hist. of Mass. Bay, III, 63.
32. Boston Gazette, April 4, 1763.
33. Josiah Quincy to Rev. John Eagleson, Sept. 15, 1768, quoted by J. Quincy, Life of J. Quincy, Jr., 15.

sought to cloak with respectability.

In the winter, 1761-62, when Otis and the merchant faction enjoyed control of the House of Representatives, they sought to hamper the operation of the customs service by legislative action. A bill which outlawed the writs of assistance and substituted "a wholly inefficacious writ" was passed by both houses only to be vetoed by Governor Bernard. The latter congratulated himself in having reduced the popular cry and believed that he had now seen "a total end to his troublesome altercation about the Custom house officers."[34]

Other efforts of the popular party were aimed at clipping the wings of Thomas Hutchinson. Displaying its displeasure at the late activity of the Chief Justice, the House of Representatives refused to grant his salary and "reduced the allowance to the Superior Court in general."[35] In the spring of 1762 Otis nearly succeeded in forcing Hutchinson to choose between his seat in Superior Court or his place in the Council. A bill designed to prevent a person from being a member of both bodies narrowly missed

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34. Bernard Papers, II, 58, April 13, 1762. Hutchinson Correspondence, Mass. Archives, XXVI, 8-9, March 6,1762.

35. Hutchinson Correspondence, Mass. Archives, XXVI, 9-10 March 6, 1762. See Journal of House of Representatives, March 4, June 9, June 10, 1762.

passage in the lower house.[36] Despite this failure, the popular press kept hammering at the hated chief justice, denouncing his insatiable greed.[37] In the Boston Gazette there appeared several articles maintaining that the judiciary should be kept independent of political pressure and intrigue.[38] The only satisfaction that the Otis faction had was the removal of the Massachusetts agent in England, William Bollan, who was one of Hutchinson's friends.[39]

The conservatism of the Council in the period 1761-1764 was the chief factor in preventing Otis and his followers from wielding supreme power in the General Court.[40] Although the upper house reflected mercantile sentiments in approving the court actions of 1761 and the legislation against writs of assistance in 1762, it generally was a hindrance to the popular party. That some members of the Council shared the House's distrust of Thomas Hutchinson was evidenced in their vote to remove his friend, William Bollan, from the position of colony agent. The Liuetenant-

36. Journal of House of Representatives, April 17, April 20, 1762; Hutchinson Correspondence, Mass. Archives, XXVI, 12, April 24, 1762.
37. P. Oliver, Origin and Progress of the Am. Rebellion, (Gay Transcripts, M.H. Society),38.
38. Eg. Boston Gazette, April 24, 1762; April 18, May 16, May 23, June 6, 1763.
39. Acts and Resolves, XXVII, Appendix XII, 194; Hutchinson to Bollan , March 31, 1762 and April 24, 1762; Bernard Papers, II, 183-4, April 25, 1762.
40. For similar opinion see J.C. Miller, Sam Adams, 41-2.

governor dejectedly wrote to Bollan that "Two lawyers of the same name carry all before them in the house and William Brattle at the Board heads the party there."[41] As yet James Bowdoin's activity in the upper house was unimportant and his sympathies lay with the prerogative faction. Under the leadership of Thomas Hutchinson, the Massachusetts Council generally retained its conservative nature down to 1766.

In 1762 James Otis expressed his fear of the upper house, particularly deploring its usurpation of power in its executive capacity. It seems that in the summer of 1762, during the recess of the Assembly, Governor Bernard, with the advice of the Council, spent some of the province's money on a defense project.[42] When the House met in September of 1762, it felt obliged "to remonstrate against the method of making or increasing Establishments by the Governor and Council." Otis wrote this message to Bernard which protested the violation of the House's "most darling Priviledge", the "Right of Originating all Taxes."[43] The original message of the assembly included phrases which were obnoxious to Bernard, and upon his advice the objectionable words were expunged.[44] Otis defended his position, however, in a

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41. Hutchinson Correspondence, Mass. Archives, XXVI, 12, April 24, 1762; also in M.H.S. Colls., LXXIV, 32. The two lawyers were James Otis, Junior and Senior.
42. Hutchinson, Hist. of Mass. Bay, III, 70-71.
43. Journal of House of Representatives, September 15, 1762.
44. Hutchinson, Ibid, 71; J. Otis, A Vindication of the Conduct of the House of Representatives, (Boston, 1762), 15.

small pamphlet entitled A Vindication of the Conduct of the House of Representatives. While exonerating Bernard and the present Council of dishonorable intentions, James Otis stated his belief "that we have had some Governors and some Councellors, since the Revolution, that would gladly have been as absolute as Turkish Bashaws."[45] Continuing, he expressed fear of "a very fashionable doctrine with some, that in the recess of the court, the Governor and Council are vested with all the powers of the General Assembly."[46] To Otis, such a doctrine meant a hasty destruction of the House of Representatives' most sacred trust, control of the purse. Obviously, the Massachusetts Council, despite its elective nature, was at this time a valuable support to the governor in his defense of the royal prerogative.

James Bowdoin did not play a conspicuous part in the political life of Massachusetts during the period down to 1764. Although he sat in the house of Representatives from 1753 to 1757 and regularly thereafter in the council, Bowdoin's interest in politics was a secondary one. He did serve on some of the important committees of the period, 1760-1764, but no existing record indicates that he was a leading figure. His personal correspondence is almost completely lacking in reference to the Hutchinson-Otis quarrel and the dispute of

45. J. Otis, Ibid., 35.
46, Ibid., 38.

the merchants with the customs officers. According to Thomas Hutchinson, Bowdoin had a reserved disposition and in his early political career was regarded as a "Friend of Government." There was no intimation, as yet, that James Bowdoin would assume a prominent role in Massachusetts politics, or that under his leadership the council would become a "popular" body.

CHAPTER III

RUM AND REVENUE

In 1764 James Bowdoin was thirty-eight years old and a leader of the Boston aristocracy. He was one of the wealthiest young men of New England, and his splendid mansion on Beacon Hill was the object of admiration and envy. Until this time Bowdoin lived a leisurely life, caring for his real estate investments, giving much attention to his scientific studies. About 1764 his interests underwent a change, for he became more active and more important in the political scene. Henceforth he was more articulate and active in politics and his statements on the revenue measures of 1764 and 1765 reveal his understanding of the dispute between the mother country and the colonies. Bowdoin's part in the Sugar Act controversy was not a spectacular one but it prepared him for the more important role he was soon to play.

Following the outburst of the merchants and the Otis faction in 1761 and 1762 there was a decline in the power of the popular faction. In the summer of 1763 Bernard wrote that there never was "an assembly better composed than the present" and he confidently looked forward to an end of "that petulance of humours which has prevailed here."[1] "The violent

1. Bernard Papers, III, 77-8, June 6, 1763. See also Ralph V. Harlow, Samuel Adams, 21-22.

proceedings of Mr. Otis" availed him nothing and in his disgust and dejection he considered resigning from his position.[2] One Tory writer of the Boston Evening Post pleasantly reported that the dirt-throwing "Gareteers" were now operating "with weak and trembling hands," and that he could "perceive the last struggles, the sure and certain presages of their political death."[3] The merchant agitation also failed, a fact which the governor attributed to his "resolution and the steadiness of the Judges of the Superior Court."[4]

Although the opponents of the restrictive colonial policy lost political power in 1763, they did not stop their agitation. The public press was filled with tiring polemics of the Hutchinson-Otis rivalry. Commenting upon "The Rage of Patriotism," one loyalist noted derisively

> "that there is scarce a cobler or porter but has turned mountebank in politicks and erected his stage near the printing press, from whence his oracular decisions have been stamp'd off and deliver'd to the world as infallible rostrums."[5]

There was

2. Bernard Papers, III, 75-7, June 8, 1763.
3. Boston Evening Post, April 25, 1763.
4. Select Letters on the Trade and Government, Oct. 25, 1763.
5. Boston Evening Post, March 2, 1763; See also issue of March 14, 1763: "... In this garret, ... the Junto, as guardians of the public liberty, hold their nocturnal assemblies, and with senatorial wisdom, consult, debate, project, scold, write, drink and smoke, probono publico. Here it is, that, when from the exhalations of genuine mundungus, clouds and thick darkness invelop and skreen the speakers from the ken of mortal eye, then, and not till then, are their wise sayings delivered with the majesty and obscurity of the ancient oracles ...".

a great deal of personal vituperation and often times the greater imperial issues were obscured in local political antagonisms. A radical political party, largely the tool of Sam Adams and the Boston representatives, cultivated petty personal ambitions and grouches behind the respectable facade of debate on larger problems. More moderate and more substantial in its agitation against the new British colonial policy was the merchants' organization, which emphasized the reciprocal economic disadvantages of the new colonial policy. This group is believed to have been behind the attacks on the customs house and is known to have been formally organized later as the "Society for encouraging Trade and Commerce within the Province of Massachusetts Bay."[6] James Bowdoin's name does not appear on the lists of members of this Society, and although he shared the merchants' views to a certain extent, he was not motivated solely by them. Bowdoin fully understood and deplored the economic implications of the new colonial policy, but he also was fearful of its political meaning.

It was soon painfully evident to Americans that the British intended to continue the more efficient colonial administration as a peacetime policy. Revised mercantile regulations, additional restricting decrees, and improved administrative machinery soon illustrated the new attitude

6. Ezekial Price MSS, 24-5, Mass. Hist. Society. William Bowdoin, James' brother, was a subscriber.

of Great Britain in imperial affairs. In the middle of the eighteenth century the British theory of empire was undergoing a change. This had been described as a transition from a mercantile to a territorial concept of empire.[7] That is to say, imperialism henceforth was to embrace political and territorial as well as commercial aspects. As Great Britain sought to implement its new theory of colonial administration, the extension of British authority over the colonies became increasingly obnoxious and led finally to actual revolution.

The new Chancellor of the Exchequer, George Grenville, regarded with grave concern the indebtedness of Great Britain, which had been almost doubled during the Seven Years' War.[8] This officious bureaucrat religiously pursued a narrow and parsimonious plan, which has won him rather dubious distinction in American demonology. Noting that the protection of the colonies had occasioned considerable expense to Great Britain, Grenville, proposed to make the Americans pay a greater share of the financial burden of their administration and defense. He persevered blindly in this purpose despite the apprehensions and warnings of competent and loyal advisers that America was unable to produce a substantial revenue. A few years later James Bowdoin wrote that the dispute between the mother country and the colonies had been "very unnecessarily and impoliticly

7. C.M. Andrews, Col. Background of the Am. Rev., 123, 129.
8. E. Channing, Hist. of the U.S., III, 29.

brought on" and had arisen "from a mistaken idea of the ability of the colonies."[9] By invigorating the customs service, eliminating smuggling, and introducing new measures, however, George Grenville dreamed of collecting a righteous revenue that would alleviate England's distress.

The Sugar Act of April 1764 was serious evidence to the American merchants of Grenville's intent.[10] This renewal and revision of the old Molasses Act of 1733 had been discussed in both England and America since the preceding summer and had been regarded by some Americans as more dangerous than the French menace of the past war.[11] Both the conservatives and the radical leaders of Boston denounced this dreaded economic monster. The usually faithful Boston Evening Post cried that this act

> "if rigorously carried into execution, must, if not totally destroy, yet, greatly decrease the trade of this, and the neighboring provinces, and further, be of great disadvantage to our mother country."[12]

In January of 1764 a committee of the Council and House of Representatives, of which James Bowdoin was a member, reported that the consequences of this act

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9. Bowdoin to T. Pownall, May 10, 1769, MHS Colls., 6th series, IX, 139.
10. 4 George III, c 15 (Macdonald, Select Charters, No. 56).
11. Bernard Papers, III, 93, August 3, 1763.
12. Boston Evening Post, November 21, 1763; also Nov. 28, 1763; Thomas Cushing to Jasper Mauduit, Oct. 28, 1763: "The Rigourous execution of this Act laying a duty on Molasses, etc., will be extreamly prejudicial if not altogether destructive to the trade of this and the neighboring Governments ..." M.H.S. Colls., LXXIV, 131.

would "be ruinous to the trade of this province, hurtful to all the colonies and greatly prejudicial to the mother country."[13] Bernard and Hutchinson added their weight to the opposition to the proposed measure in 1763, and George Grenville might have profitably listened to them if not to the popular leaders and newspaper demagogues. Oblivious to all warning, however, the Chancellor proceeded to urge the enactment of a revenue law, the Sugar Act, which passed Parliament in the spring of 1764.

There could be no doubt as to the purpose of this measure, for the preamble clearly stated that it was "expedient that new provisions and regulations should be established for improving the revenue of this kingdom," and it was "just and necessary, that a revenue be raised, in your Majesty's said dominions in America, for defraying the expences of defending, protecting, and securing the same ..."[14] According to the provisions of the act, the old duty of 6d per gallon on imported foreign molasses was to be reduced by one half, but Grenville proposed to collect the new tax. Competent observers maintained that even 3d was more than the traffic could stand. But it was the threat of enforcement rather than the tax itself which the colonists feared, for if the Molasses Act had been enforced trade with the foreign colonies would not have been possible. Intercourse with the French and Spanish West Indies had gone on with little hindrance

13. Mass. State Papers, 10.
14. 4 George III, C. 15.

despite the legal restrictions. This business was the source of specie and credit so desperately needed by New Englanders to offset their unfavorable balance in the trade with Great Britain. As has been noted before, the wartime enforcement of the navigation acts had interrupted this clandestine commerce to a certain extent and had evoked protests from the merchants. Now in 1764, Parliament had listened to Grenville and proposed to try to collect a prohibitive duty on the vital intercourse with the foreign colonies. The change from a regulatory to a revenue-producing policy was deplored by Americans who, for many years thereafter, begged for a return to the happy days before 1760. A reasonable tax of 1d or 2d would probably have been borne quite readily, but the ignorant ministry indiscreetly refused to listen to reason.[15] The futile quest for colonial revenue was begun and George Grenville was not to be deterred by the lamentations of a few Yankee traders or by the indignant protests of the democratic rabble of Boston.

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15. See J.T. Adams, Revolutionary New England, 299; Hutchinson Correspondence, Mass. Archives, XXVI, 64, Aug. 3, 1763, (M.H.S. Colls., LXII, 130n); Bernard Papers, III, 93, 164-66, Aug. 3, Oct. 30, 1763; T. Hutchinson, History, III, 78. Thomas Cushing to Jasper Mauduit, November 11, 1763: "Thus I think it evidently appears that in case the present Duty is continued, the Crown can expect no revenue; whereas if the Parliament should think fitt to lower the Duty to an half penny or a penny per gallon, there would be no temptation to run it and thereby a considerable revenue accrue." M.H.S. Colls., LXXIV, 138-9. John Temple suggested a duty of 2d as equitable, M.H.S., Colls., 6th series, IX, 24-5, September 10, 1764.

Boston merchants quickly but cautiously voiced their opposition to the Sugar Act.[16] They were the people most directly affected by it. The reason for the failure to unite Americans against British authority at this time was that the measure was not universally oppressive. While the traders had a genuine grievance, and the local politicians used the issue as an opportunity to malign some old enemies, the rural people felt little concerned and they failed to join the opposition to the act. The merchants petitioned the General Court in an effort to get assistance in their struggle, and also they sought to bring pressure to bear upon Great Britain by boycotting certain British imports. The Bostonians communicated with merchants in other colonies and urged inter-colonial cooperation in this affair. In addition they wrote to business men in England and emphasized the pernicious effects of the Sugar Act on both the mother country and the colonies.

James Bowdoin was one of the leading agitators for a boycott of English manufactures, particularly the customary black mourning clothes. Thomas Hutchinson writes that Bowdoin "greatly encouraged if he did not first propose, the association for leaving off the custom of mourning dress for the loss of deceased friends; and for wearing, on all occasions, the common manufactures of the country."[17] An agreement to this purpose

16. A.M. Schlesinger, The Colonial Merchants and the American Revolution, 1763-1776, 30.
17. T. Hutchinson, History, III, 211.

was signed by some members of the General Court and by "great numbers" of the citizens of Boston, " and the disuse of mourning soon became general."[18] There were other instances of coercive frugality in 1764 and 1765. The Boston merchants agreed not to purchase certain luxury items and to buy no English cloth except at a fixed price. Also a number of Bostonians declared their intention of using only American leather,[19] and Hutchinson related that "a great proportion of the inhabitants of Boston" agreed to eat no lamb, so that the production of American wool might be encouraged.[20] These attempts to embarass the British merchants were not widespread or concerted enough, however, to really effect their purpose.

Grenville was advised that he would not realize the desired revenue through the new molasses tax. Many Americans warned that the 3d duty would be prohibitive and that the trade would either cease or the Americans would find some way to circumvent the law. The letters of Bernard and Hutchinson made

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18. Ibid., III, 84. Boston Gazette, Jan. 21, 1765; Boston Evening Post, Sept. 24, Nov. 25, 1764, Jan. 21, 1765; Boston Post-Boy, Oct. 1, 8, 1764; J. Adams, Works, II, 176.
19. A.M. Schlesinger, Col. Merchants, 63-4.
20. T. Hutchinson, History, III, 84. The Boston Gazette, Dec. 3, 1764 reported the unanimous decision of "the young Gentlemen of Yale College" to abstain from the use of "foreign spirituous liquors." This was a doubly commendable innovation because it would prove healthful and also would "greatly diminish the Expences of Education."

that point very clear.[21] Jasper Mauduit, Massachusetts' agent in England, was informed by the General Court that "the present Duty on Molasses and Sugar will have the Effect of an absolute Prohibition; and therefore in a short Time no Revenue from those articles will accrue to the Crown."[22] James Bowdoin expressed himself even more emphatically, writing that Great Britain could "expect nothing from the colonies by way of duties or tax whether internal or external; and that the duties already laid and those talked of can have no other effect than to distress them, and injure Great Britain."[23]

The disastrous effects of the Sugar Act on New England were discussed by the Boston merchants. They emphasized the advantages of permitting the vital intercourse with the foreign West Indies to continue. In this trade molasses was procured in return for the commodities of the northern colonies. New Englanders sold most of their fish to the French and Spanish colonies, and they feared the loss of this market. The Boston Gazette asserted that "the British islands can neither purchase

21. E.g. Select Letters, 5, 14, Dec. 26, 1763, Nov. 10, 1764. Bernard Papers, III, 93, 104-6, 106-7, 117, Aug. 3, Oct. 30, Nov. 26, 1763, Jan. 7, 1764. Hutchinson Correspondence, Mass. Archives, XXVI, 64-6, Aug. 3, 1763, (M.H.S. Colls., LXII, 130n).
22. Jasper Mauduit, 1762-1765, M.H.S. Colls., LXXIV, 174, Nov. 28, 1764. Thomas Whately did not believe the Stamp Act would cause any great inconvenience to the molasses trade. See The Regulations Lately Made ..., (London, 1765) 80-81.
23. Bowdoin to Franklin, Letter Book of Bowdoin, MSS, M.H.S., 90, November 12, 1764.

all or half this fish, nor supply us with what molasses we want in return: What then are we to do with it? Nothing but cast it into the sea from whence it came."[24] A Committee of the General Court, on which Bowdoin served, had already noted that the cod fishery was worth £164,000 annually and "The loss of the fishery will occasion more than five thousand seamen to be immediately turned out of employment, who, with most of our shipwrights and other mechanics, will be under a necessity of quitting the province, being utterly unfit for the business of husbandry."[25] One part of the Sugar Act forbade the export of colonial lumber except to Great Britain. The New Englanders had regularly shipped a considerable supply of this commodity to Europe and the West Indies and they deplored the prohibition of this trade. Another committee of the Massachusetts legislature indignantly added that "The hardship of this restraint appears the greater as the article does not interfere with the produce of Britain."[26] Thus it was shown that the Sugar Act would not only fail in its purpose of collecting a revenue, but would also seriously dislocate the New England economy.

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24. Boston Gazette, Sept. 24, 1764. See also Boston Evening Post, Feb. 6, Feb. 27, 1764.
25. Jan. 1764, Mass. State Papers, 10, Members of committee were T. Hutchinson, J. Bowdoin, Judge Russell, O. Thacher, and R. Tyler. Another committee of which Bowdoin was also a member reported to Bernard similarly, Nov. 3, 1764, Mass. State Papers, 18-21.
26. Mass. State Papers, 19-20, J. Bowdoin on this committee.

Americans argued also that the new law would be detrimental to Great Britain. Any measure that reduced the colonial supply of specie would lessen the amount of British commodities imported by the colonists. The Sugar Act was loosely worded and the Americans feared that the money collected under it would be shipped to England. Although this was not the intention of the ministry, this was not made clear until the summer of 1765. Numerous statements of colonial apprehension in this commection are available, but none is clearer than that of James Bowdoin:

> "Whatever is forced from the Colonies in this way will at least so far disable them from paying their balances to Britain: it being demonstrably evident that all the remittances they can make, gold and silver included, ... are not sufficient to pay those balances, and command the usual supply of British manufactures."[27]

Bowdoin also served on a committee which reported to Governor Bernard that the Sugar Act would certainly "lessen the trade of the colonies, which is the source of their ability to pay for the British manufactures they consume."[28] Thomas Pownall a former governor and a friendly and competent observer,

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27. Bowdoin to Franklin, Nov. 12, 1764, Letterbook of Gov. Bowdoin, M.H.S., MSS, 90; See Boston Gazette, March 18, 1765.
28. Nov. 3, 1764, Mass. State Papers, 20; The Boston Evening Post, the organ of the merchants, made this point regularly, e.g. Feb. 6, 27, August 6, 1764, January 7, June 10, 1765.

made the same point.[29] Neither Bernard nor Hutchinson were oblivious to the arguments stated above. The governor wrote, regarding the drain of specie from the colonies, that none of the new Regulations gave him "such apprehensions of inconvenient consequences as this" did.[30] This appeal of the colonists to the British purse probably had greater influence than their other arguments.

It is impossible to determine the influence of these economic arguments and the activities of the merchants. They did tend to unite American sentiment against the infamous act,[31] but still only a minority of the population was seriously concerned. The effort to invoke the aid of the local legislature did not bear important fruit either, for petty personal politics precluded the possibility of concerted action. When the Boston

29. Administ. of Colonies, 104; Thomas Pownall also asserted: "Nothing does at present, with that active and acute people, prevent their going into manufactures except the proportionate dearness of labour as referred to the terms on which they can import. But increase the price of their imports to a certain degree ... let their trade and navigation be, in some measure, suppressed ... this proportion of the price of labour will much sooner cease to be an object of objection to manufacturing there than is commonly apprehended ..." C.A.W. Pownall, Thomas Pownall, 180.
30. Select Letters, 18, Nov. 10, 1764. An undated manuscript in Hutchinson's hand dwells on the folly of taxing the colonies, Mass. Archives, XXV, 279-80: "... Let the income of the people of the colonies be increased by what means it may. Britain feels the benefit of it ... Taxes or Duties which tend to lessen this income tend to lessen the consumption of your own manufactures ...".
31. Hutchinson, History, III, 84.

radicals captured control of the House of Representatives in 1764, they put forth an immoderate program which the merchants failed to support. The latter reflected the conservatism of business men who had too much at stake to favor any radical proposals. Also the plan to boycott British goods and to effect concerted intercolonial opposition to the Sugar Act failed. Although the Boston merchants opposed the Sugar Act cautiously and ineffectually, they nevertheless suggested methods which were used with greater success in later disputes.

In the light of subsequent history, the constitutional opposition to the Sugar Act was of greater significance than the economic protest. This controversy evoked the first American challenge to the authority of Parliament to tax the colonies. Before 1764 the colonists had not questioned Parliamentary supremacy in the British empire for many years. But before 1764 Parliament had done little to antagonize the Americans or to restrict their independent development. There was therefore no need to discuss the extent of the Parliamentary power. In cases of obnoxious regulation the colonists had found evasion of the law easy and had not bothered themselves with the principles involved. The imposition of the infamous Sugar Act, with the threat of enforcement, however, caused Americans to consider carefully their relation to the British Parliament and to assert their rights as men, particularly as Englishmen.

As early as August, 1763, Thomas Hutchinson noted the constitutional implications of the new measure.[32] Early in 1764, a committee of the General Court, of which Hutchinson, James Bowdoin, and Oxenbridge Thacher, were members,[33] wrote a letter of instruction to Jasper Mauduit, the colony's agent in England. Herein was implied the theory that British subjects might be taxed only be their representatives.

> "If duties or taxes are to be laid upon us in anyone instance, what assurance have we that they will not be so multiplied as to render this privilege of no importance to us? ..."

We

> "hope it will be thought as reasonable, that the assemblies of the colonies should determine the monies to be raised upon the inhabitants here, as that the Parliament of Ireland should determine the monies to be raised upon the inhabitants there. The growth of the colonies depends upon the enjoyment of their libities and privileges."[34]

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32. Hutchinson Correspondence, Mass. Archives, XXVI, 64-66, Aug. 3, 1763; The Lieutenant Governor expressed the opinion that the proposed measure would conflict "with the so much esteemed privilege of English Subjects the being taxed by their own representatives.".
33. Other members were Judge Russell and R. Tyler; Another letter of November 3, 1764 reiterated the argument. James Bowdoin served on the committee which prepared this letter too, Mass. State Papers, 21-24. Also see petition of the General Court to the House of Commons, Nov. 3, 1764, Mass. State Papers, 24-5. Oxenbridge Thacher argued similarly in The Sentiments of a British American, (Boston, 1764), 4-5.
34. Mass. State Papers, 10-11.

Some time later Sam Adams reiterated the same principle in his famous instructions to the representatives of Boston in the General Court.[35] This theory, thus broadly hinted at in 1763 and 1764, was the basis of opposition to the Stamp Act of 1765, "the most ruinous project that ever was set on foot to compleat the slavery and destruction of poor innocent America."[36]

These statements of constitutional opposition were not made as often as the economic arguments against the Sugar Act. In 1764 but few of the Americans realized the true meaning of this new revenue measure, and not many were seriously affected by it. Boston newspapers in 1763 and 1764 were filled with articles and letters on the unfortunate economic consequences, but there were few that dealt with the constitutional issue. During the Stamp Act crisis, however, Americans emphasized their political rights rather than economic inexpedience. Then the implied theory of 1764 was asserted in its historic, definite form: "Taxation without Representation is Tyranny."

In 1764 the Massachusetts radicals endeavored to carry through part of their program without the aid of, and in

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35. Writings of Samuel Adams, I, 1-7, May 24, 1764.
36. Boston Gazette, Dec. 16, 1765. As early as April 30, 1764, this paper asserted that any interruption of "the natural, regular and constitutional method of raising taxes upon themselves, by their own representatives ... would be a direct breach and infringement of their [colonies'] liberty."

spite of, the Council.[37] This is further evidence of their belief that the conservative upper chamber was a serious hindrance to their plans. Although the Otis faction dominated the House for a time in 1764, by November of the same year control had reverted to "Moderate men and friends of Government."[38] Bernard wrote that the lieutenant governor and the Council played a "most steady part" in the controversy, and this partly explains the failure of the Whigs to control the Assembly for very long. Thomas Hutchinson detected evidence of the popular defection in the Council, although as yet the Councillors were "not always to be intimidated."[39] Conservative principles generally prevailed in Massachusetts until that "hideous monster", the Stamp Act, united the American Whigs.

James Bowdoin participated regularly in the activities of the Council during the Sugar Act controversy, but not in a conspicuous capacity. He was mainly concerned, as were most businessmen of Boston, with the economic implica-

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37. Bernard Papers, III, 153-9, June 29, 1764: " ... The House of Representatives proceeded to give separate instructions to the Agent, without so much as asking the Council to join with them; and rejected a vote of the Council to appoint a joint Committee to prepare instructions for the Agent, as has hitherto for many years past been the usual method ... ". T. Hutchinson, History, III, 79-80.
38. Bernard Papers, III, 189, November 10, 1764.
39. Hutchinson Correspondence, Mass. Archives, XXVI, 110, November 8, 1764.

tions of this revenue measure. Bowdoin saw clearly the danger to the New England economy and he urged coercive retaliation. The merchants shared the traditional conservatism of their class and soon expressed their abhorrence of the program of the radical politicians, but Bowdoin was not as unconcerned as most of them with the constitutional meaning of the Sugar Act. He was one of relatively few wealthy Americans, who, for various reasons, finally deserted the conservatives and aided the opponents of British authority.

CHAPTER IV

THE STAMP ACT CRISIS

In 1765 the persevering and parsimonious Grenville caused the Stamp Act, his second revenue measure, to be enacted. Hindsight facilitates our judgment than the British minister was misinformed and indiscreet in attempting to tax the colonists. Unmindful of both the economic and constitutional arguments that had been raised against the Sugar Act, he persisted logically in his quest for revenue. Grenville, no doubt, mistook part of the clamor in 1764 for a natural aversion to taxation.[1] As for the constitutional claims of the Americans, he could not understand theories that had little place in British thinking at that time. Righteously unaware of the inflammatory possibilities of his politics, Grenville held to his course.

Stamp taxes were not unknown either in English or American history before 1765.[2] They were regarded as equitable and reasonable revenue measures, -- measures not calculated to evoke much resentment. The colonists had been informed in advance of the ministry's intention of collecting a colonial revenue and had been asked to suggest an

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1. Thomas Whately wrote to John Temple, Nov. 5, 1764: "I own I do not give entire credit to all the objections that are raised on your side of the water. I doubt not they are inclined to object to all taxes, and yet some are absolutely necessary ...", M.H.S. Colls., 6th series, IX, 37.
2. E. Channing, History of the U.S., III, 48-9, J.C. Miller, Origins of the American Revolution, 111-112.

alternative to a stamp tax. No colonial suggestion was forthcoming and in March of 1765 the Stamp Act was passed with very little opposition. It imposed a tax on most legal documents, customs papers, newspapers, pamphlets and advertisements. Americans objected strenuously to the provision that payment had to be made in specie and that violators were to be tried in non-jury admiralty courts. Following closely in the wake of the Sugar Act, the new measure gave colonial politicians the opportunity to analyze and define more clearly the inchoate constitutional arguments of 1764.

Despite some colonial grumbling, it was expected that the Stamp Act would be accepted quietly. Following the Sugar Act controversy, moderate men in Massachusetts had regained control of the General Court and early in 1765 the political scene there was relatively quiet. Both Bernard and Hutchinson disapproved of the new law, but neither expected a great deal of opposition to it. The Lieutenant-Governor wrote that the Stamp Act was received "with as much decency as could be expected."[3]

The first cry of opposition did not come from Massachusetts, but from Virginia. Patrick Henry introduced several revolutionary resolves into the House of Burgesses and some

3. Hutchinson Correspondence, Mass. Archives, XXVI, 139, June 4, 1765. See also Hutchinson, History, III, 84.

of them passed May 28, 1765.[4] They included a clear declaration of American natural rights and legislative autonomy in matters of taxation. Henry's inflammatory resolves were quickly circulated and they had an effect on Massachusetts which alarmed the moderate party. Although James Otis declared at first that Virginia's action was treasonable, he soon reconsidered his statement and changed his attitude.[5] Governor Bernard deplored the fact that reception of the news had occasioned "a fresh inundation of factious and insolent pieces" in the Boston Gazette.[6] With the alarm bell sounded, the Boston patriots proposed a general intercolonial meeting at New York City. The Stamp Act Congress which resulted petitioned George III and Parliament, expressing the American conception of natural liberties, particularly "the invaluable right" of taxing themselves and of trial by jury.[7] The Congress accomplished nothing in the way of tangible results, but the mere meeting and attempted cooperation was a valuable precedent.

Peter Oliver lamented that "every factious mouth vomited out Curses against Great Britain, and the Press rung its charges upon Slavery."[8] In Boston the newspapers

4. S.E. Morison, ed., Sources & Documents illustrating the American Revolution 1764-1788, 17-18.
5. T. Hutchinson, History, III, 86.
6. Bernard Papers, IV, 7-9, 137, Aug. 15, 1765, July 20, 1765.
7. S.E. Morison, op. cit., 32; Also Mass. State Papers, 37-9.
8. P. Oliver, Origin & Progress of Am. Rebellion, 70.

were filled with condemnations of the unmotherly policies of Great Britain. John Adams characterized the Stamp Act, as "That enormous engine, fabricated by the British Parliament, for battering down all the rights and liberties of America."[9] The general apprehension is indicated in a letter of James Bowdoin to his brother-in-law, George Scott, Governor of Dominica:

> "... we have been treated as the meer property of G. Britain; and as if we stood in no other relation to her, than the Blacks of your Island to their respective owners and taskmasters."[10]

Hutchinson said that "There appeared to be a general determination, among the people to prevent the execution of the Stamp Act",[11] and the "unconquerable rage" of Bostonians soon manifested itself in violent demonstrations.

The first object of the wrath of the patriots was Andrew Oliver, the recently appointed stamp distributor for Massachusetts. In addition to being the agent of the crown in this loathsome capacity, Oliver was the brother-in-law of Thomas Hutchinson, a man hated lustily in his own right. On August 14, the figure of the distributor was hung on a great elm tree in the South end of town.[12] Later in the day, an orderly mob cut down the effigy and carried it "in

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9. J. Adams, Works, II, 154.
10 Bowdoin Letter Book, 108, April 9, 1765.
11 T. Hutchinson, History, III, 86.
12 Later known as the Liberty Tree. It was located near the present juncture of Washington and Essex Sts. See S.G. Drake, Hist. and Antiquities of Boston, 693, 703, 812.

Triumph, amidst the acclamations of many thousands,"[13] down King Street to Oliver's Dock. There the crowd quickly demolished a newly erected building which was presumably to be used as a stamp office. Before it dispersed the mob also broke into Oliver's home, smashed the windows and destroyed some furniture.[14] The demonstration had the desired effect for the next day the stamp distributor "came to a sudden resolution to resign his office before another night."[15]

A more serious "riot" took place in Boston a few days later when that vigilant loyalist Thomas Hutchinson was visited by the mob. This attention was due to the false rumor that Hutchinson had favored the adoption of a Stamp tax.[16] Moreover he was a man of "very ambitious and avaricious disposition"[17] and the head of a family which controlled many offices in Massachusetts. John Adams asked significantly "Is not this amazing ascendancy of one family foundation sufficient on which to erect a tyranny? Is it not enough to excite jealousies among the

13. Anne R. Cunningham, ed., Letters & Diary of John Rowe, 88-9.
14. T. Hutchinson, History, III, 86-7.
15. Ibid., 88.
16. Hutchinson did not favor the Stamp Act but did his utmost to enforce it. See P. Oliver, op. cit., 73; Jonathan Mayhew to T. Hutchinson, August 1765 in Bradford, Memoir of the Life and Writings of Rev. Jonathan Mayhew, 420-422; T. Hutchinson, History, III, 88; Richard Jackson to Governor Bernard, February 16, 1766, Mass. State Papers, 71-2.
17. John Adams, Works, II, 150-1.

people?"[18] On August 26, the "incensed populace," "well supplied with strong drink," wrecked the Lieutenant Governor's fine house in Garden Court Street, not far from the North Church.[19] The damage was estimated at £2500 sterling.[20] A Tory writer who recorded the "diabolical scene" quotes a venerable gentleman as saying "that if the Devil had been here last night, he would have gone back to his own Regions, ashamed of being outdone, and never more have set Foot upon the Earth."[21] On the other hand, patriotic Josiah Quincy rejoiced that "the warmest lovers of liberty" had resisted "infamous submission to the yoke of slavery and lawless despotism."[22]

There seems to be little doubt that the Boston demonstrations were deliberately planned by the Sons of

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18. John Adams, Works, II, 151. Mercy Otis Warren Papers, Mass. Historical Society, 25, undated letter: "... These Family Compacts have ever been deem'd Dangerous to the Liberties of a People and perhaps it was never more remarkably exemplified than in the Instance before us; every Department of high Trust as it became Vacant either by Resignation, Suspension or Death was immediately fill'd by some Relations or Dependant of Mr. Hutchinson who had distinguish'd himself by a ready Compliance with Court Measures ..."
19. T. Hutchinson, History, III, 90; P. Oliver, Origin and Progress of the American Rebellion, 72-3.
20. Hutchinson Correspondence, Mass. Archives, XXVI, 146-7, Aug. 30, 1765 (printed in Pubs. of Col. Soc., Mass. XXVI, 33-4); Hutchinson, History, III, 90.
21. P. Oliver, op. cit., 72-3.
22. M.H.S. Proc., IV, 47-51.

Liberty.[23] Hutchinson later wrote that at the destruction of his home there were "many of the magistrates, with the field officers of the militia, standing by as spectators."[24] No doubt the crowd got out of hand as a result of its intoxication and went beyond the intent of the leaders. The popular faction quickly disclaimed all responsibility for this abhorrent affair, because they feared that some punishment of Boston might result. Sam Adams claimed that "Vagabond Strangers" were responsible for the "high handed Enormity."[25] The famous patriot preacher Jonathan Mayhew condemned "the late riotous proceedings of certain men of Belial, who had the effrontery to cloak their violent proceedings with a pretended zeal for liberty."[26] The next day, a town meeting in Faneuil Hall declared its unanimous detestation of the violent escapade of the preceding evening, and urged the suppression of any future outbursts.[27] Hutchinson doubted the sincerity of the populace for he said "that many of those who were immediate actors in, as well as of those who had been abettors of, those violent proceedings, were present at this unamimous vote."[28]

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23. Bernard Papers, IV, 137, August 15, 1765, V, 20, 43-4 November 1, November 26, 1765; Henry Bass to Samuel P. Savage, December 19, 1765, M.H.S. Proc. XLIV, 688-9 (also in Pubs. of Col. Soc. Mass., XXVI, 355-6); George Anderson, articles on Ebenezer Mackintosh, Pubs. of Col. Soc. Mass. XXVI, 15-64, 348-361; J.C. Miller, Sam Adams, 66-7.
24. T. Hutchinson, History, III, 90.
25. Mass. Archives, LVI, 464-465.
26. A. Bradford, Memoir, 424.
27. T. Hutchinson, History, III, 90-1.
28. Ibid., 91.

In the face of the threatening populace, the Council refused to support the Governor in any spirited measures. The Board did advise Bernard to proclaim a reward for the apprehension of the culprits, but this was an empty gesture. When Ebenezer Mackintosh, the leader of the destructive mob, was taken in King Street, the sheriff was forced to release him by a group of "merchants and other men of property."[29] Thomas Hutchinson sorrowfully related that this "passed over without any act of the Council to shew a disapprobation. To this feeble state were the powers of government reduced."[30] When a few others were arrested, a mob secured their release from prison before their trial took place. Governor Bernard complained to an English friend that he received no support from the Council since only Boston members dared attend meetings and "By these Means nothing can pass the Council, that is like to be displeasing to Boston." The Governor further confided that he regarded it as "dangerous as well as impolitic ... to expose himself solely to the resentment of the People by acting without or contrary to the Advice of Council."[31] With both the Governor and the Council unwilling to antagonize the "incensed and implacable mob", no other steps were taken for a prosecution of the guilty rioters, and only after considerable delay did the General Court vote an indemnity to Hutchinson.[32]

29. Hutchinson, History, III, 91.
30. Ibid., 91, See also Hutchinson, Diary & Letters, I, 70-1.
31. Bernard Papers, IV, 157, August 31, 1765.
32. Ibid., IV, 62-4, August 27, 1765.

The Council did support the Governor in one important affair shortly after the riots. Since the stamp distributor had resigned, Bernard asked the Board to advise measures for the protection of the stamps that were expected. A small Council, with neither Bowdoin nor Brattle present, unanimously advised the Governor to store the stamps in Castle William.[33] To be additionally secure against any patriotic excesses the defenses of the Castle were strengthened. These proceedings increased the Whigs' detestation of the Council and further convinced Adams and Otis that they must gain control of the conservative upper house.

The economic arguments of 1764 were used by Americans once again in the Stamp Act conflict. Although most of the agitation against this measure and subsequent measures was on constitutional grounds, many continued to speak of the economic inexpedience of revenue acts. James Bowdoin believed that the "projectors of them" would be disappointed "with regard to the sum expected to be raised."[34] Moreover, the specie-draining nature of the Stamp Act, and the Townshend Acts later, would cause irreparable damage to both American and British trade. Bowdoin argued that "it is a real fact that the Colonies have no money among them to

33. Council Records, XVI, 36, August 21, 1765.
34. Bowdoin Letter Book, III, April 29, 1765; also 108, April 9, 1765. John Temple believed that the stamp tax would "yield something handsome" but would be an inexpedient measure. M.H.S. Colls., 6th series, IX, 25-6, September 10, 1764.

answer any national purpose of revenue." Whatever money the colonists did scrape together was sent to England to offset their continually adverse balance of trade, "to which balance all the money on the English part of the continent is not equal."[35] The Boston Gazette characterized the Stamp Act as a "double fac'd Janus" which in "a short space of Time would drein the Country of its cash, strip Multitudes of all their Property, and reduce them to absolute Beggary."[36] James Bowdoin pointed out logically that the collection of an American revenue would cause a corresponding decline in imports from England. He was not oblivious to the political meaning of the obnoxious acts but he argued that certain "commercial considerations" often rendered constitutional arguments rather hollow.

> "Was the right to tax the Colonies acknowledged in the fullest manner, and the Colonists as willing to pay the tax as Parliament to demand it, the right would not be worth six pence to the nation, for the exercise of it would be a detriment to the nation in its trade in a much greater proportion than the revenue would be an advantage to it."[37]

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35. Bowdoin to Thomas Pownall, May 10, 1769, M.H.S. Colls., 6th series, IX, 139-140; to Alexander Mackay, November 29, 1770, M.H.S. Colls., 6th series, IX, 242. Writings of Samuel Adams, I, 31, 43, November 11, December 19, 1765. Resolutions of Stamp Act Congress, October 19, 1765, Morison, Documents, 33.
36. Boston Gazette, September 16, October 14, 1765. The same statement occurred in John Adams's Instructions to Braintree's representative, October 14, 1765, Works, III, 465-468.
37. Bowdoin to Pownall, May 10, 1769, M.H.S. Colls., 6th series, IX, 140.

"The Palladium of the American cause" was the theory that taxation and representation are inseparable. This principle had been stated rather vaguely in 1764, but in the struggle over the Stamp Act it was thoroughly aired and clarified. In the newspapers, in assembly halls, in private letters, and from the pulpits rang the cry "Taxation without representation is tyranny!" The Stamp Act Congress resolved

> "That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally or by their representatives."[38]

This right Americans guarded as their most fundamental liberty and any violation of it was regarded as rank despotism. Reverend Jonathan Mayhew declared that "no people are under a religious obligation to be slaves" or to submit to a law which threatened America with "perpetual bondage and slavery."[39] Thus the revolutionary doctrine was evolved which not only permitted but compelled the colonists to resist British authority. Never in English

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38. S.E. Morison, Documents, 32-33, October 19, 1765. See also resolves of Mass. House of Representatives, October 25, 1765, Mass. State Papers, 50-1. Joseph Warren wrote: The people "can conceive of no liberty when they have lost the power of taxing themselves, and when all controversies between the Crown and the people are to be determined by the opinion of one dependent man; and they think that slavery is not only the greatest misfortune, but that it is also the greatest crime, if there be a possibility of escaping it ...". R. Frothingham, Life of Joseph Warren, 20.
39. A. Bradford, Memoir, 418, 425.

history had the American theory of taxation and representation been implemented and spokesmen quickly derided it in 1765 as absured.[40]

The British system of representation at that time was an extremely inequitable one. It was not in any sense democratic for Parliament represented only a minute portion of the population. The privileged few obviously enjoyed a disproportionate strength and they sought to preserve and condone the situation by a theory of virtual representation. One pamphleteer clearly stated that no British subjects are actually, all are virtually represented in Parliament;

> "for every Member of Parliament sits in the House, not as Representative of his own Constituents, but as one of that august Assembly by which all the Commons of Great Britain are represented ..."[41]

Since the colonists were English subjects, were they not also included in this virtual representation? Americans protested that the colonies were a thousand leagues away from England, and that the British idea was absurd. One

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40. Thomas Pownall in 1765 wrote: "It is not, nor ever was or could be, in the power of the Crown to exempt any persons or communities within the dominions of Great Britain from being subject and liable to be taxed by Parliament.", C.A.W. Pownall, Thomas Pownall, 355-6.

41. [Thomas Whately] , The Regulations Lately Made Concerning the Colonies, and the Taxes imposed upon them, considered, (London, 1765), 108-9. See also Wm. Knox , The Controversy between Great Britain and her Colonies Reviewed (Boston, 1769), 25-28. The Rights of Great Britain Asserted Against the Claims of America; being an Answer to the Declaration of the General Congress, (London, 1776), 4. See also letter of William Knox to George Grenville, August 9, 1768, Grenville Papers, IV, 335-7.

exclaimed "The notion of a virtual representation of the colonies ... is a mere cob-web, spread to catch the unwary, and intangle the weak."[42] Legally speaking, the Americans had little ground for protest, but the revolutionary dogma was based on natural law rather than historical precedent.[43]

Some observers suggested that the colonists ought to be accorded direct representation in the House of Commons.[44] Thomas Pownall felt that there was "no danger nor inconvenience that could arise to Great Britain", and it "would have a tendency throughout the Colonies to extend loyalty towards the crown."[45] Governor Bernard was delighted at

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42. Daniel Dulany, Considerations on the Propriety of imposing Taxes in the British Colonies, for the purpose of Raising a Revenue, by Act of Parliament, S.E. Morison, Documents, 26. J. Almon, Prior Documents (London, 1777), 59, records William Pitt's denunciation in Parliament of the British theory: "There is an idea in some, that the colonies are virtually represented in this house. I would fain know by whom an American is represented here? ... Would to God that respectable representation was augmented to a greater number! ... The idea of a virtual representation of America in this house, is the most contemptible idea that ever entered into the head of a man -- It does not deserve a serious refutation."
43. James Otis stated in 1765 "It is incontestable that we are virtually and in law represented in the house of commons and in the whole parliament ...", Brief Remarks on the Defence of the Halifax Libel on the British-American Colonies (Boston, 1765), 35-6.
44. John Adams noted that Benjamin Franklin had suggested this to William Shirley in 1754. Adams commented that this "seems not to have been well considered, because an adequate representation in parliament, is totally impracticable ...", Novanglus (Boston, 1819), 17.
45. T. Pownall, Administration of the British Colonies, 3rd edition, Appendix, Section III, 15 (also in C.A.W. Pownall, Thomas Pownall, 186-7). See also Grenville to T. Pownall, July 17, 1768, Grenville Papers, IV, 316-319. (also in C.A.W.Pownall, Thomas Pownall, 346)

the possibility of establishing "a general, uniform system of American government, ... by which the Americans, according to their own principles" would be bound.[46] The colonists quickly realized the weakness of their position in this controversy and emphatically argued that representation in Parliament was impractical.[47] If the American colonies had been granted representation, they would have been regularly outvoted and forced to submit to Parliamentary legislation. Samuel Adams voiced the general apprehension when he said that "Americans judge it impracticable for them to be equally and fully represented in Parliament."[48] Obviously, then, the controversy was more than a question of taxation witout representation. The patriots were engaged in a states' rights movement within the British empire and their real aim was complete legislative autonomy.

Another theory of the colonists was that the Stamp Act was an unprecedented grievance because it imposed an internal tax.[49] They maintained that Great Britain might legally regulate trade but that domestic affairs were the consideration solely of the local legislatures. This view

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46. Select Letters, 33-4, 39, 55-60, Nov. 23, Dec. 14, 1765, Jan. 28, 1768.
47. Bernard Papers, V. 57, Dec. 14, 1765.
48. Writings of Samuel Adams, I, 39, Nov. 13, 1765. Also I, 55, 178, Dec. 20, 1765, Jan. 30, 1768.
49. As early as August 20, 1764, the Boston Gazette declared: "...the fears of being taxed, internally, by the parliament, while we have no representation there, are alarming to men of the greatest penetration and judgment among us ...".

was shared by some Englishmen -- most prominently by William Pitt.[50] One American denied the right of Parliament "to impose an internal tax on the colonies without their consent for the single purpose of revenue," but admitted "the right to regulate their trade without their consent."[51] Although Parliament had usually been guided previously by mercantile principles and not revenue purposes, there were earlier instances of internal interference. James Otis admitted this in 1765.[52] The distinction of the Americans between external and internal taxation proved to be an empty one in the light of the real constitutional question. Its weakness was soon exposed when the mother country enacted an external revenue measure that was just as distasteful as the Stamp Act.

As November 1, the day when the Stamp Act was to be effective, approached, the Bostonians seemed intent upon preventing its execution. The Boston Gazette declared:

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50. Pitt retained this view for many years, and in 1774 during the examination of Franklin before the Privy Council expressed it clearly. Franklin Before the Privy Council, White Hall Chapel, London, 1774, on behalf of the Province of Massachusetts, to advocate the removal of Hutchinson and Oliver, (Phila., 1860), 124. See also C.A.W. Pownall, Thomas Pownall, (London, 1908), 258.
51. Daniel Dulany, Considerations on the Propriety of imposing taxes in the British Colonies ... (Annapolis, 1765), S.E. Morison, Documents, 30.
52. J. Otis , Brief Remarks on the Defence of the Halifax Libel on the British-American Colonies (Boston, 1765), 35. A very obvious example of internal regulation was the establishment of a colonial postal service.

> "'Tis worse than all the fifth of Novembers that ever was -- The Pope never did half so much mischief, as that stamp act will do, if the world stands as long as the Pope has done."[53]

The Boston Evening Post felt that probably "The covetous and ambitious desires of a grasping ministry" would lead to "more heavy and ruinous" taxes.[54] When the stamped paper arrived at Boston, Governor Bernard asked the assembly to aid in the enforcement of the impending measure, but the House of Representatives declined to offer any advice or assistance.[55] With the exception of Thomas Hutchinson, the Council also deserted the governor in his "difficult and perilous situation."[56] The popular faction could not suffer November 1 to go by unnoticed so figures of George Grenville and an unpopular adviser were hanged on the Liberty Tree.[57] With no one to distribute the stamps, and no authority able to enforce the law, the Stamp Act became inoperative immediately.

A period of business stagnation ensued as the courts were closed and no customs papers were issued.[58] Governor Bernard had the unenviable responsibility of trying to enforce an obnoxious law which he himself did not favor. He wrote to England expressing his sincere wish that "some

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53. Boston Gazette, October 14, 1765.
54. Boston Evening Post, October 14, 1765.
55. Mass. State Papers, 39-43, 43-48, 49.
56. Bernard Papers, IV, 165, September 28, 1765.
57. Boston Gazette, Nov. 4, 1765; Mass. Gazette, Nov. 7, 1765; T. Hutchinson, History, III, 98; Bernard Papers, V, 19-21, November 1, 1765.
58. T. Hutchinson, History, III, 100; John Adams, Works, II, 154-5.

means may be found to make it consistent with the dignity of parliament to put the Stamp Act out of the Question at least for the present." Urging the repeal of the measure, Bernard noted that "by artifice, prejudice, and passion, good men and bad men are unaccountably confounded together."[59] The Boston riots had revealed that "the defenceless officers of the Crown "were contemptibly weak",[60] and that without military enforcement the law would be a "mere nullity." To ensure the elimination of Andrew Oliver, the Stamp distributor, the Sons of Liberty forced him to resign a second time. In an undignified public ceremony, Oliver was subjected to "the Tree Ordeal" and "the Test of Political Orthodoxy."[61] The governor complained that "Merchants, Traders, and Mob" were intent on forcing the resumption of business without the use of the hated stamped paper.[62]

First to give in to the demands of the Bostonians were the customs officers, who soon proceeded with their regular business without using stamps.[63] It required more pressure and agitation to compel the courts to reopen, however. The assembly tried in vain to enact a law which would have nullified the Stamp Act in Massachusetts.[64]

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59. Select Letters, 28, Oct. 28, 1765; also Bernard Papers, IV, 173, November 25, 1765.
60. Barrington-Bernard Correspondence, 95-6, Nov. 23, 1765; Bernard Papers, V, 106-7, April 17, 1766.
61. Peter Oliver, op. cit., 74; M.H.S. Proc. XII, 246-7; Pubs. of Col. Soc. Mass. XXVI, 43.
62. Bernard Papers, IV, 85-6, December 11, 1765.
63. T. Hutchinson, History, III, 102; John Temple to Commissioners of Customs, Temple Letter Book, 141-2, December 16, 1765.
64. Bernard Papers, IV, 180-2, December 19, 1765.

Then a Boston town meeting sought to force the Governor and Council to effect the same purpose by their own executive authority.[65] The Council evaded the issue, not wishing to incur the public wrath, and advised that the judges of each court decide the matter for themselves. This wavering of the Council was regarded by Hutchinson as "very improper, and tending to division and to increase the flame."[66] The Lieutenant Governor, himself, as judge of probate for Suffolk county, was given the choice of opening the court, quitting his position, or leaving the colony.[67] His resignation was a minor victory for the popular faction. By the end of the year, almost all the courts in the province except the Superior Court, had resumed business.[68]

It proved more difficult to secure the opening of the Superior Court due to the obduracy of Thomas Hutchinson, the Chief Justice. When the General Court convened in January, 1766, the determined house cried to Bernard:

> "... The courts of justice must be open -- open immediately, and the law, the great rule of right in every county in the province, executed."[69]

A few days later the assembly resolved that the judges and

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65. T. Hutchinson, History, III, 100; Boston Record Commissioners Report, XVI, 159; Bernard Papers, V, 66-8, December 21, 1765.
66. T. Hutchinson, History, III, 102.
67. Ibid., 103; Council Records, XVI, 78-81, December 21, 1765, January 1, 1766.
68. Hutchinson Correspondence, Mass. Archives, XXVI, 193, January 2, 1766.
69. Mass. State Papers, 61, January 17, 1766.

"all other public officers in this province, ought to proceed in the discharge of their several functions as usual."[70] After a week's delay, the Council suggested that the Justices of the Superior Court meet and determine whether the court should open.[71] This was done and the justices made an evasive statement which was accepted by the Council but not by the House. Thereupon the assembly repassed its earlier resolution and insisted upon a vote by the upper house. The latter negatived the resolve, explaining that the Councillors were satisfied that the next term would find the court open.[72] Since it would usually "have been thought disparaging to the council" to justify a non-currence, this affair revealed the growth of the Board's dependence upon the House.[73] Bernard, mourning his loss of power, declared that the government was "democratical in all its other parts, especially in, what is frequently regretted, the appointment of the Council."[74] Finally the Superior Court met, transacted some business that did not require stamped paper, and then adjourned until late in April.[75] Since news of the repeal of the

70. Mass. State Papers, 66, January 23, 1766.
71. Ibid., 66, January 30, 1766.
72. Ibid., 66-7, February 14, 1766; T. Hutchinson, History, III, 105; Judge Benjamin Lynde to T. Hutchinson, Mass. Archives, XXIV, 60, February 8, 1766; Bowdoin-Temple Papers, MSS, I, 87, Report of a Council committee in James Bowdoin's hand which states the satisfaction of the Council.
73. T. Hutchinson, History, III, 105.
74. F. Bernard, Select Letters, 43, February 28, 1766.
75. Mass. Gazette, March 17, 1766; T. Hutchinson, History, III, 105-6; J. Adams, Works, II, 189.

Stamp Act was expected soon, the Chief Justice hoped to postpone the issue "and elude the blame of the ministry and the people."[76]

On May 16, 1766 Boston received the glorious news that the infamous measure had been repealed and a frenzied celebration resulted. For some time preparations for the joyous occasion had been made and the rejoicing of the people was greater than any since the glorious revolution.[77] On this "day Crowned with Glory and honour" "Illuminations and sky Rockets proclaimed the general Joy."[78] The general attitude of relief was reflected in Dr. Jonathan Mayhew's sermon entitled "Our soul has escaped, as a bird from the snare of the fowler."[79] One Tory sneered "Every dirty fellow, just risen from his kennel, congratulated his neighbour on their glorious victory over England."[80] Briefly the political front seemed quiet in Massachusetts, for even among the royal officials there were few who did not welcome the repeal of the Stamp Act. Peter Oliver apprehensively noted, however, that the expression of Boston "was not the Joy of Gratitude, but the Exultation

76. J. Adams, Works, II, 189, 193-4; Judge John Cushing to T. Hutchinson, Mass. Archives, XXV, 52-4, February 2, 1766.
77. John Adams, Works, II, 179; T. Hutchinson, History, III, 106; Bowdoin Letter Book, 144-5, March 31, 1766.
78. A.R. Cunningham, ed., Letters & Diary of John Rowe, 95-6; P. Oliver, op. cit., 76.
79. A. Bradford, Memoir, 423-7.
80. [John Mein], Sagittarius's Letters & Political Reflections, 38.

of Triumph."[81]

Although political reasons were stressed by most opponents of the Stamp Act, such arguments did not have as much effect on the British government as economic considerations. Both American and English merchants labored to convince the ministry of the unfortunate financial and commercial results of the law. It was the weight of this agitation added to the political situation in England which led ultimately to the repeal.[82] In the summer of 1765 George Grenville's government was replaced by the Rockingham ministry, and the latter utilized the distress of the merchants for political gain. Parliament and the ministers were deluged with demands for a repeal of the Stamp Act from the commercial interests that failed to appreciate any measure that hampered trade. In America the merchants renewed the 1764 boycott of certain English commodities and tried to coerce Parliament in this way. Boston followed the lead of New York and Philadelphia in a non-importation program. Sam Adams noted

81. P. Oliver, op. cit., 76; T. Hutchinson, History, III, 121.
82. C.M. Andrews, "Boston Merchants and the Non-Importation Movement", Pubs. Col. Soc. Mass., XIX, 200-1. John C. Miller, Origins of the American Revolution, 149-158. Lord Chesterfield wrote to his son, Feb. 11, 1766: "...The Stamp-act has proved a most pernicious measure; for, whether it is repealed or not, it has given such terror to the Americans, that our trade with them will not be for some years what it used to be. Great numbers of our manufacturers at home will be turned a starving; and hunger is always the cause of tumults and sedition." W.S. Taylor & J.H. Pringle, Correspondence of William Pitt, II, 376.

in November 1765 that the people seemed "more and more determined to do without 'British goods' as far as possible."[83] Early the next month over 200 Boston merchants signed a formal resolution not to import various manufactures before may 5, 1766.[84] Confronted by the agitation of the distraught merchants and the embarassing disobedience of the Americans, the Rockingham ministry decided to repeal Grenville's unpopular revenue act. Parliament could not overlook the disresoectful aspersions cast upon its authority, however, so while yielding to the arguments of economic inexpedience, it passed the Declaratory Act. This measure upheld the principle that Parliament had "full power and authority to make laws and statutes ... to bind the colonies ... in all cases whatsoever."[85] In their rejoicing over the defeat of the Stamp Act, only a few Americans took any notice of this declaration of legislative supremacy within the empire. It was obvious to some observers, however, that the mother country and the colonies were at odds on a fundamental constitutional question. Neither had given in on principle and the solution of the problem was merely postponed to another day.

Despite the fact that the Stamp Act had been repealed due to its effects upon British trade, many Americans regarded

83. Mass. Archives, LVI, 462-3, November 7, 1765.
84. Boston Gazette, November 25, December 2, 9, 16, 1765; Boston Evening Post, December 9, 16, 1765; C.M. Andrews, op. cit., 200.
85. 6 George III, c.12, MacDonald, Select Charters, No. 60.

its defeat as a constitutional triumph for the colonies. Considering the Declaratory Act and the statements of America's friends in England this was wishful thinking. Thomas Pownall wrote:

> "It is impossible that the colonies can entertain any hopes from the present or any ministry ---- that the Right of Parliament's Taxing be given up."[86]

Another Englishman declared that the colonists' position was utterly groundless since "Every principle of our constitution and the uninterrupted practice of our legislature is against them."[87] Although the Americans proclaimed their loyalty to Great Britain in 1766, they did not relinquish their main principle. With the beginning of a denial of Parliament's authority, the colonists set forth upon a course which logically led to a declaration of complete independence.

The real significance of the Stamp Act crisis was that it evoked a unified American protest. Grenville sought to levy a tax which would bear equally on all the

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86. Mass. Archives, XXV, 113, December 3, 1765. Frederick Griffin, Junius Discovered (Boston, 1854) 110, quotes from a speech of Thomas Pownall: "And first, of the sovereignty and supremacy of parliaments. This is a line from which you ought never to deviate, which ought never to be out of sight. The parliament hath, and had, and ever will have, a sovereign supreme power and jurisdiction over every part of the dominions of the state, to make laws in all cases whatsoever; this is a proposition which exists of absolute necessity ..."
87. Thomas Whately to John Temple, October 11, 1765. M.H.S. Colls., 6th series, IX, 71-2.

colonists and he succeeded very well. This very fact served to unite the opposition to the stamp tax. James Bowdoin wrote in September, 1765, that the "whole continent" was averse to the hated measure and that Americans, "in their present temper", would "not suffer it to be carried into execution."[88] Samuel Adams regarded the Stamp Act as a blessing, and Joseph Warren, the patriot doctor of Boston, rejoiced that Americans had cast aside foolish jealousies and "united for their common defence" against oppression.[89] The controversy also revealed how impotent the royal officials were in the face of a determined colonial resistence. Since Great Britain was not prepared to insist upon a submission to the authority of Parliament at this time, and since the enforcement of the Stamp Act promised to have detrimental economic effects, the British government gave in. This retreat before opposition to a hated measure proved a dangerous precedent, for it gave Americans self-confidence and destroyed much respect for the mother country.[90]

Although the colonists scoffed at accusations that

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88. Bowdoin Letter Book, 128, September 10, 1765.
89. Writings of Samuel Adams, I, 109, Dec. 11, 1766.
90. W.B. Donne, Correspondence of King George the Third with Lord North from 1768 to 1783 (London, 1867) I, 164; George III wrote to Lord North: "... all men seem now to feel that the fatal compliance in 1766 has encouraged the Americans annually to encrease in their pretensions to that thorough independency which one state has of another, but which is quite subversive of the obedience which a colony owes to its mother country."

they aimed at independence, the Stamp Act crisis was the first direct step toward that end. As Thomas Hutchinson said, "From admitting a principle of partial independency, gradual advances were made, until a total independency was asserted."[91] The Boston Evening Post summarized the situation quite well. After declaring that it was "senseless and riduclous" that the colonies desired independence, the paper said that the purpose of the colonists was to preserve their rights and liberties as Englishmen. Then followed an ominous suggestion:

> "But if those rights and privileges are violated--what reason then, can remain, why they should prefer the British, to the French government, or any other?"[92]

Americans admitted that Parliament had some authority over them, but the extent of this authority was often interpreted differently. Following the repeal of the Stamp Act, the colonists expressed their gratitude in carefully-worded addresses. A guarded and ambiguous statement of the Massachusetts House of Representatives to the king acknowledged that "a constitutional subordination" to Parliament was "their great privilege and security."[93] Since neither side conceded anything in principle, the British retreat in 1766 was only a truce, and it remained for a later contest to settle the fate of the empire.

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91. T. Hutchinson, History, III, 119.
92. Boston Evening Post, March 25, 1765.
93. Mass. State Papers, 92, June 19, 1766.

With the repeal of the Stamp Act most moderate men in the colonies were satisfied and only the professional politicians kept up their agitation. There can be no doubt that the constitutional argument in itself had little meaning for the majority of Americans. Only when it was accompanied by what was considered oppressive legislation did it serve as a rallying point. People are always easily convinced that obnoxious laws are unconstitutional and so in 1765 and 1766, "the rights of man" and "taxation without representation" were effective unifying slogans. Expressing their genuine relief in 1766, most Americans were happily unconcerned with the abstract principles involved. The removal of the Stamp Act had deprived the radicals of their chief thunder, and the great imperial problem was forgotten amidst local issues and the normal routine of work and play.

If their theoretical rights had been uppermost in the colonists' minds, they could not have rejoiced so heartily in 1766. The British government were far from giving up the right of taxing the colonies. Not only was the Declaratory Act passed, but also there was material evidence of the English attitude. A general revision of the navigation laws in 1766 removed several of the colonists' objections to the mercantile system. Notably for New England the three penny duty on foreign molasses was taken off, and a one penny tax on all imported molasses, British or foreign,

was substituted. This was a pure revenue measure, and could not possibly be interpreted as a trade regulation.[94] Since Americans found it no economic impediment, however, this ominous change evoked no protest from the colonies.

Within a few days after the repeal of the Stamp Act, the struggle between the governor and the Sons of Liberty in Massachusetts was renewed vigorously, and a significant change in political leadership resulted. Both Otis and Adams had long hated the moderate Council and their detestation had increased during the controversy over the opening of the courts.[95] In the election of Councillors in May, 1766, six conservatives were replaced by friends of the Adams-Otis faction. Benjamin Lynde and George Leonard had already resigned, and in addition the house refused to return Thomas Hutchinson, Andrew Oliver, Peter Oliver, and Edmund Trowbridge.[96] In a most "nitrous, sulphureous speech" Governor Bernard referred to "a profest intention to deprive" the government "of its best and

94. E. Channing, History of U.S., III, 78, "No one could for a moment pretend that this was for the protection of sugar planters or of any one else, except British taxpayers, or that it was in any way a regulation of trade."
95. A Controversy between the house and the Council, November, 1765, revealed how jealous and tenacious the former was of its rights. The house protested vigorously an unauthorized expenditure during its recess by the governor and Council. Mass. State Papers, 51-56, November 6-8, 1765. F. Bernard to R. Jackson, November 8, 1765: "The Council has shown a proper Spirit upon this Occasion, altho' they have often wanted it of late." Bernard Papers, V. 29.
96. Journal, Mass. House of Reps., May 28, 1766; T. Hutchinson, History, III, 107-8; Bernard Papers, V, 114-117, 120-122, May 30, 31, 1766; J. Adams, Works, II, 195-6.

most able servants, whose only crime is their fidelity to the Crown."[97] The reply of the House was written by Sam Adams and he facetiously argued:

> "... We have released those of the Judges of the Superior Court ... from the cares and perplexities of politics, and given them opportunity to make still further advances in the knowledge of the law."[98]

Governor Bernard quickly negatived six of the Councillors elected, but no entreaty on his part prompted the house to return the ousted members.[99] Hutchinson declared that, having thus purged the upper house, the popular party "had brought the council to join with them in every measure material to the cause in which they had engaged."[100]

There was an important rivalry in Massachusetts between two strong family cliques, of which Thomas Hutchinson and James Bowdoin were the chief representatives. The cooperation of the latter group in the Council, -- James Bowdoin, John Erving, James Pitts, and Thomas Flucker --, with the radicals in the House accounts for the defeat of Hutchinson in 1766. Bowdoin and his friends had little in common with the radical Whigs in the assembly, but they agreed in

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97. John Adams, Works, II, 196; Mass. State Papers, 75, May 29, 1766.
98. Mass. State Papers, 79, June 3, 1766; see also Writings of Samuel Adams, I, 105-8, December 2, 1766.
99. Acts and Resolves, XVIII, iii. The negatived men were Joseph Gerrish, Thomas Saunders, James Otis, Sr., Jerathmeel Bowers, Nathaniel Sparhawk, Samuel Dexter.
100. T. Hutchinson, History, III, 110.

a common hatred and envy of the Hutchinsons and the Olivers. With the removal of the Lieutenant Governor and the Secretary from the Council, their rivals correctly expected to exert greater influence in that body.

As yet James Bowdoin was not dangerous enough to merit a veto from Governor Bernard. On the contrary he was counted on as a supporter of the prerogative and there was little or no indication that he would join forces with the Whig faction. Bernard and Hutchinson could hardly have been expected to foretell this turn of events, for Bowdoin had been quite inconspicuous and regular in his political career. He had, to be sure, expressed his opposition to the new revenue measures, but largely on grounds of economic inexpedience and only in a moderate way. Bowdoin's attitude was not an unusual one among many of the conservatives, and the royal officials confidently expected that, now that the Stamp Act was repealed, all would be quiet in Massachusetts.

Hutchinson angrily perceived that he had been the "principal butt" of James Otis and his followers. It amazed him that the province could be "for so long time ... under the influence of a man more fit for a madhouse than the house of representatives."[101] Previously, the Lieutenant Governor had dominated the Council and had quite successfully

101. Hutchinson Correspondence, Mass. Archives, XXVI, 233, 237, May 29, 1766, June 11, 1766.

kept it free from popular contamination. He was now succeeded by James Bowdoin, who "obtained a greater influence over the council than his predecessor ever had."[102] Hutchinson wrote that the new leader in the upper chamber was "united in principle with the leading men in the house" and "measures were concerted between him and them." Henceforth in the conflict between parliament and the colonies, the Council, "in scarce any instance, disagreed with the house."[103] Thus as the Lieutenant Governor smarted in defeat, Bowdoin entered the political scene for the first time in an important capacity.

Although Governor Bernard had complained that he had no Council to advise him "or to take off any of the burthen," that doby remained quite conservative throughout the Stamp Act crisis.[104] It was the Governor's consistent belief, however that "a royal Council" was "absolutely necessary" for the reestablishment of order in Massachusetts.[105] Now the worst had happened for "Otis and his myrmidons" had turned his strongest supporters out of the Council and selected men "little better than the scum."[106] The effect of the removal of the conservatives was realized at once for the first message of the upper house to Governor Bernard

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102. T. Hutchinson, History, III, 113.
103. Ibid., 113.
104. Bernard Papers, V. 24, November 5, 1765.
105. Ibid., V, 29, 89, November 8, 1765, March 10, 1766.
106. Hutchinson Correspondence, Mass. Archives, XXVI, 33, May 29, 1766.

carried "stronger marks of a contrariety of sentiments" than the house's answer.[107] This was the work of Colonel William Brattle rather than Bowdoin, although the latter served on the committee that drew up the address.[108] Lieutenant Governor Hutchinson said that this was "the beginning of a breach between the Governor and the Council which was not healed thereafter.[109]

Governor Bernard believed that the fundamental source of his trouble was the governmental organization of Massachusetts under that "Devil of a Constitution." He regularly expressed his opinion that the charter of the province should be changed in order to "eradicate the Disease." Such a change would have to come from England, however, and until such "effectual Remedies" could be applied, Bernard struggled vainly "to patch up a rotten Constitution."[110] Particularly displeasing to him was the provision that the House of Representatives was empowered to elect the Council, which was becoming increasingly useless to the Governor. His letters consist of one long plea for a Council appointed by the king. With such a happy alteration in the Massachusetts charter, he declared that "all the Disorders of this Government" would "be remedied and the Authority of it

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107. T. Hutchinson, History, III, 111; Mass. State Papers, 84-7, June 7, 1766.
108. Bernard Papers, V, 127-9, June 16, 1766. Other members of committee were H. Gray, N. Ropes and R. Tyler.
109. T. Hutchinson, History, III, 113.
110. Bernard Papers, V, 137, July 24, 1766.

fully restored."[111]

The elimination of Thomas Hutchinson and several other conservatives from the Council was not sufficient to make that body utterly subservient to the wishes of Otis and Admas. Governor Bernard was not without hope of aid from the upper house, for the popular faction lost strength after the repeal of the Stamp Act. The Governor wrote shortly that "Otis's party are very much cast down" and "sinking into the earth."[112] At the same time, the Council had "begun to recover" itself and in the first session of the General Court after Hutchinson's defeat, Bernard found that the upper house "supported Government very well."[113] Although the Boston "Whigs" had struck a major blow in ousting the most prominent "Friends of Government" from the Council, the "popularizing" of that body was by no means complete.

Bernard prematurely believed that he had quieted the popular party when he negatived six Councillors, as well as James Otis, who had been elected speaker of the House. After a brief interlude of peace, however, Adams and Otis and their "venemous crew" resumed the offensive. An abusive and virulent campaign, which was not always decent or truthful, was carried on continuously against Bernard. The

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111. Bernard Papers, VI, 168, November 25, 1768.
112. Ibid.,VI, 27, 34, 221-2, June 30, July 29, July 27, 1767.
113. Ibid.,VI, 27, June 30, 1767; V. 134, June 28, 1766.

Governor was a tactless imperialist, and as the chief royal representative in the province, he was the logical object of the attack of the "Sons of Sedition." Peter Oliver said that in the house "Ribaldry & Scurrility were open mouthed," and "such Language prevailed ... that would have disgraced a Billinsgate Convention."[114] Judge John Cushing wrote that "there seems to be no End to their Spite & malice against him Bernard ."[115] Another Tory raved that "Impudence & falsehood never before were carried to such a height,"[116] and the Governor disgustedly reported that his "fairest and honestest professions" were "perverted with a Chicanery that would disgrace an English Pettifogger."[117] He resolved to be "very Sparing and cautious" in his utterances, but "the Faction" pursued him relentlessly. Bernard's increasingly uncomfortable position finally led him to exclaim: "So much weakness & Folly was never before combined as in the men who have lately ruled here."[118].

The popular faction's reluctance to accept Parliamentary authority is revealed in two affairs which involved the Council in its executive capacity. In the fall of 1766 Governor Bernard received several laws passed by Parliament, and with the advice of the Council he ordered them included

114. P. Oliver, op. cit., 79.
115. Hutchinson Correspondence, Mass. Archives, XXV, 117-118, December 15, 1766.
116. [John Mein], Sagittarius's Letters, 22.
117. Bernard Papers, V, 116, November 17, 1766.
118. Ibid., VI, 150, October 31, 1768.

in the colonial statute books. Otis was outraged and asked by what authority such a course had been advised. He said that "he would as soon vote for the Devill as he would for such Councellors as were betraying the liberties of their Country." According to Otis "The Council had got the disease of Mary Magdalen, had 7 devils in it, which must be cast out before it could recover."[119] Another opportunity to deny Parliament's authority occurred early the next year in connection with the quartering of troops at Castle William. A company of British soldiers had arrived late in 1766 and the Governor, with the advice of the Council, had bought supplies for them with public money. When the General Court reconvened, the House asked the Governor if any expense to the province had been incurred, and if so, by whose order. Bernard replied that the action had been taken in conformity with a late act of Parliament, known as the quartering act. This evoked a salvo from Otis and Adams which asserted that the Governor and the Council had acted "unwarrantably and unconstitutionally in subjecting the people ... to an expense" not sanctioned by the House of Representatives. They declared that it was "still more grievous" to find that this had been done in pursuance of an act of Parliament which appeared to them

119. Bernard Papers, V, 147, September 1, 1766.

"as real a grievance" as the Stamp Act.[120] Thus the Massachusetts radicals revealed their hatred of Parliamentary regulation and also expressed once again their hatred of the Council which still served as a prop for the Governor.

For about a year after the defeat of the Stamp Act, the radicals' opposition to Thomas Hutchinson was almost the only cause of dispute in Massachusetts.[121] By preventing his election to the Council, the Whigs had won an advantage which they refused to give up. A "spitefull malitious Spirit," which was "as relentless and implacable as the Cursed one," continued to pursue him.[122] The popular party regarded Hutchinson as an ambitious and grasping Tory, and they fairly itched to humiliate him. It was only with reluctance, and in a way offensive to the crown, that the assembly finally voted to compensate him and other sufferers in the late riots. The main controversy, however, resulted from "the Faction's" determination to prevent his

120. Mass. State Papers, 105-108, January 30, February 4, 17, 1767. The Bowdoin and Temple Manuscripts, Vol. I, 90, contain the draft (not in Bowdoin's hand) of a message of Bernard to the house dated Feb. 9, 1767. This draft is longer and stronger in its defense of the Governor and Council than the final message which was sent. See also T. Hutchinson, History, III, 122-123; Samuel Adams to Christopher Gadsden, Dec. 11, 1766, Writings of Samuel Adams, I, 110, "Tell me Sir whether this is not taxin the Collonys as effectually as the Stamp Act and if so, either we have complained without Reason, or we have still reason to complain." Ibid., I, 112-113, Dec. 16, 1766. The Boston Gazette, Jan. 12, 1767 asked "... Was this inadvertence or was it not an open and bold attempt to abridge us of our Constitutional rights, and stretch Prerogative beyond its just bounds?"

121. Bernard Papers, VI, 31, July 29, 1767.

122. Israel Williams to T. Hutchinson, Mass. Archives, XXVI, 140, January 5, 1767.

return to the Council.

When Hutchinson endeavored to attend Council meetings in his capacity of Lieutenant Governor, James Bowdoin worked with Adams and Otis to prevent him from doing so.[123] It mattered not to the Whigs that several historical precedents justified the Lieutenant Governor's action, for they resolved in the house that, unless elected, he had no constitutional right to sit in the Council.[124] Governor Bernard urged the Councillors to support him in this affair, but under Bowdoin's influence, they were "too dispirited to assert their rights."[125] Finally the upper house voted on the assembly's resolution and agreed unanimously that the Lieutenant Governor had no constitutional right to attend its sessions, but that precedents justified his presence there.[126] Consequently the House asserted that, since the Councillors did not believe Hutchinson's action to be constitutional, they must disapprove of it. Bernard

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123. Mass. State Papers, 104, January 31, 1767; T. Hutchinson, History, III, 126-7.
124. Journal of the House of Representatives, 1766-1767, 267, 293-298, February 10, 17, 1767.
125. Bernard Papers, VI, 175-179, February 7, 1767; Hutchinson, History, III, 211 "... He Bowdoin found his importance to be much increased by the removal of the lieutenant-governor from the council, and he was the principal cause of the council's concedings to the demand of the house, that the lieutenant-governor should be excluded from the debates of the council, at which all former lieutenant-governors had been present as often as they thought fit."
126. Court Records, XXVI, 449, 453-4, March 4, 5, 7, 1767. The committee that drafted the measure to house included Wm. Brattle, James Bowdoin, Harrison Gray, Thos. Flucker, and Royall Tyler; T. Hutchinson, History, III, 127-8.

desperately sought aid from Great Britain but was advised that the Council had the right to admit whomever it would to its deliberations.[127] The Governor considered this an affair of extreme importance, however, and wrote that "no Reconciliation can be effected with Safety unless the Lieutenant Governor and the Secretary are restored to the Council."[128]

Bernard pulled all the political strings he could to secure the reelection of Hutchinson to the Council in 1767. During the past year, the Governor had experienced "the want of that support which he used to receive" from the upper house,[129] and he determined to restore the "Friends of Government" to that body if possible. To this end he sought support through the use of the patronage and also through compromise with "The Faction." His machinations were to no avail, however, for the Whigs

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127. T. Hutchinson, History, III, 128n; Lord Shelburne to Bernard, September 17, 1767 "The question concerning his admission, seems to lie in the breasts of the Council only, as being proper judges of their own privileges, and as having the best right to determine whom they will admit to be present at their deliberations." Mass. State Papers, 117-118.
128. Bernard Papers, VI, 216, June 6, 1767. Hutchinson wrote March 3, 1767: "I have just now received the council's answer to the House. By the conclusion of it I have no doubt if I should go again to Council they would join with the House. This makes the Lieutenant Governor more insignificant than ever ..." Hutchinson Correspondence, Mass. Archives, XXVI, 268.
129. T. Hutchinson, History, III, 129.

were equally determined to prevent Hutchinson's election.[130] In May, 1767, Otis and Adams carried the day, and the Lieutenant Governor lost the contest. The six negatived men of the preceding year were chosen, and the Governor vetoed five of them again -- mainly because they had been chosen in place of his friends.[131] The Whigs refused to fill the vacancies in the Council, because the exclusion of the conservatives still assured them of a majority in the upper house.[132]

In the campaign against Thomas Hutchinson, James Bowdoin and his friends aided the Sons of Liberty. Partly through their efforts Hutchinson was not permitted to sit in Council by virtue of his position as Lieutenant Governor.

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130. Judge John Cushing to T. Hutchinson, December 15, 1766, Mass. Archives, XXV, 117-8. Bernard Papers, VI, 211-213, May 30, 1767. T. Hutchinson, History, III, 129. Boston Gazette, March 23, 1767: "Let the tenders of place and patronage, the little arts of blandishment, and the menaced hand of rigone, be alternately made use of, and assiduously applied to weaken us." Again on May 4, 1767: "G_____r B_____d is at his old Trade of rubbing up old Tools and making new ones, against the ensuing election - - - Com--ssi--ns are shamefully prostituted to obtain an As-m-y that shall be subservient to his Designs."

131. Bernard accepted Nathaniel Sparhawk in 1767. Acts and Resolves, XVIII, 223.

132. T. Hutchinson, History, III, 129: "... As the council then stood, they [Whigs] were sure of a majority. They had rather their friends should remain excluded, than run any risk of turning the balance against them ..." He wrote in March, 1767, that the next Council "will probably be modelled more to their purpose, if it can be, than they now are." Hutchinson Correspondence, Mass. Archives, XXVI, 267, March 2, 1767.

Undoubtedly Bowdoin also opposed Hutchinson's reelection to the Council in May, 1767. He was probably motivated by a desire to increase his own importance in the Council, as well as by the hope of humiliating the self-righteous ever-loyal Lieutenant Governor. The Whigs' insistence upon excluding the "Friends of Government" from the Council paid dividends in the ensuing controversy over the Townshend Acts, for under James Bowdoin's capable leadership, the Council not only failed to support but openly opposed Governor Bernard.

CHAPTER V

AT HOME ON BEACON STREET

While politics began to occupy more of James Bowdoin's time, family affairs and other interests also demanded attention. The social position of the Bowdoins was not without its obligations, and also the raising of the two children, Elizabeth and James, had to be carefully supervised. Intellectual concerns were not neglected completely, and practical business matters always required some consideration.

One of the slaves of the Bowdoin household caused the family some embarassment and inconvenience in 1763 by his unconventional behavior. Caesar was "a very handy Fellow at a Table and in family business," but he "engaged in an amour with some of the white ladies of the Town." Mrs. Bowdoin was so angry that she refused to allow him in the house again, and her husband shipped him to Grenada to be sold. Shortly after James Bowdoin thanked his brother-in-law, Governor Scott, for a new negro servant that cost £55 in Grenadine currency.[1] He was not the only slave of the Bowdoin household for the Boston evaluation of 1771 indicates that James Bowdoin owned two "servants for life."[2]

In September 1767, James Bowdoin's only daughter, Elizabeth, married John Temple, Surveyor-General of the Customs

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1. Bowdoin Letter Book, 56, 84, October 14, 1763, July 16, 1764.
2. Mass. Archives, CXXXII, 137.

for the Northern district of America, and later Sir John Temple, baronet.[3] "Betsy" Bowdoin was only seventeen, but, according to her aunt, Abigail Scott, was "more conversible and entertaining than many of double her age.[4] Although her parents objected to the fact that Mr. Temple was considerably older than his bride, -- he was thirty five --, and had some misgivings that his income was inadequate, they gave their consent to the match. John Temple was named a member of the new Board of Customs Commissioners in 1767, but lost his position as a result of a quarrel with Governor Bernard. He returned to England with his wife in 1770 and was appointed Surveyor-General of Customs in England, but was dismissed in 1774 after being accused of obtaining the famous Hutchinson letters for Benjamin Franklin. After the Revolution, Temple became Consul-General to the United States and resided with Mrs. Temple in New York until his death in 1798.

Bowdoin's son, James III, followed his father's educational path to the Boston Public Latin School and thence to Harvard, where he was graduated in 1771. He was not a strong boy, and his father decided to send him abroad to regain his health as well as to further his education. James III consequently studied for a time at Oxford University and then spent some time travelling in Europe as far south as Naples,

3. Boston Gazette, January 26, 1767. T. Prime, Bowdoin Family, 6; T. Prime, Some Account of the Temple Family, passim.
4. Bowdoin and Temple Papers, I, 91, March 2, 1767.

Italy.[5]

The letters which James Bowdoin, Senior, wrote to his son, during the latter's absence in Europe, reveal his honest and deeply religious nature. "A virtuous character," he said, which includes

> "self-government, a good intention and right action towards our fellow-men, and a supreme regard to the benevolent author of our Being, is the perfection of human nature. Without it every valuable character in life is but appearance. Without it the friend, the fine gentleman, the patriot, and whatever character is in esteem among mankind, is nothing better than hypocrisy and Knavery; and cannot give to the possessor a real heart felt joy ..."

He implored the boy to "Cultivate right principles, and act according to them," and thereby realize all the advantages that may be derived from "real" as well as "apparent" character . Bowdoin declared that personal satisfaction, arising from

> "a consciousness of acting well in the several relations and departments of life far from lessening our reasonable enjoyments will give a poignancy to them; and be a perpetual source of pleasure, when pleasure from every other source shall pall on the senses, faint and die."[6]

In such a thought, James Bowdoin reveals himself as a man of internal peace. The above statement represents neither the smug self-satisfaction of a successful man, nor the sad resignation of a frustrated individual, but rather the honest and quite humble expression of an intelligent

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5. T. Prime; Bowdoin Family, 7. Bowdoin and Temple Papers, II, 80, 122, January 17, 1771, January 20, 21, 25, 1774.
6. Ibid., II, 80, January 17, 1771.

father. James Bowdoin was an idealist, and a man with a superior appreciation of some of the finer values in life. This trait is evident also in his thinking on public issues, and is partly responsible for his fairly unique role in Massachusetts politics.

Bowdoin received some of his spiritual inspiration from the ministrations of his friend, Reverend Samuel Cooper of the Brattle Street Church.[7] The Bowdoins attended this celebrated liberal church after the dissolution of the Huguenot congregation. James Bowdoin and Cooper had studied at Harvard College at the same time, although the latter graduated before Bowdoin. They were both interested in scientific affairs, and in 1750 had journeyed together to Philadelphia to visit Dr. Franklin. Samuel Cooper was as liberal in politics as he was progressive in theology, and his sermons in the revolutionary period were uncompromising in their patriotism.[8]

In the Brattle Street Society were the families of a number of prominent Bostonians, including John Hancock, James Pitts, John Erving, Joseph Warren, John Adams, and

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7. John G. Palfrey, A Sermon Preached to the Church in Brattle Square, July 18, 1824, (Boston, 1825), 16: "... Nature had marked him [Cooper] out for a leading man. Acuteness, vivacity, versatility, decision, and the capacity of severe application were prominent characteristicks of his mind."
8. James De Normandie, "The Manifesto Church", M.H.S. Proc., XLVII, 223-231. Samuel K. Lothrop, A History of the Church in Brattle Square, Boston, (Boston, 1851) passim.

Samuel Dexter as well as Governor Bowdoin.[9] In 1772, when the congregation decided to erect a more elegant building to replace the old wooden structure which had stood since 1699, James Bowdoin offered the society his lot at the corner of Howard Street and Pemberton's Hill. This offer was politely declined when the congregation decided to build on the old site.[10] Bowdoin was the chairman of the committee which considered plans for the new church, and which solicited funds for its construction.[11] Generous donations were made by the wealthy members of the church, -- £100 sterling each by John Erving, James Pitts, and J. Gray; £200 sterling by James Bowdoin; and £1,000 "lawful money" by John Hancock, "who suffers no body to outdoe him in acts of publick utility."[12] In June, 1772, Major Thomas Dawes, the architect, laid the cornerstone of the new brick building.

When the British soldiers occupied Boston in 1774, Samuel Cooper was unable to continue preaching, and some members of the congregation, including Bowdoin and Hancock, fled from the town.[13] The Brattle Square Church was used as barracks for the redcoats, and considerable damage was done to the buildings and furnishings. As soon as the troops left, however, services were resumed, and Bowdoin continued in attend-

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9. M.H.S. Proc., VIII, 322; XLVII, 229. S.A. Drake, Old Landmarks of Boston (Boston, 1876), 124.
10. J.G. Palfrey, op. cit., 63-5.
11. M.H.S. Colls., LXXI, 185-7.
12. M.H.S. Proc., XIV, 322. S.G. Drake, History and Antiquities of Boston, 520n.
13. S.A. Drake, op. cit., 123.

ance there for the rest of his life.[14]

James Bowdoin was strongly opposed to Anglicanism and Catholicism, as were most men of Calvinist heritage. The New Englanders feared the establishment of an episcopate in America, and their apprehension contributed considerably to the development of the revolutionary party. When Governor Bernard supported the founding of a college in Northampton in 1762, -- because of the Anglicans' detestation of congregationalist Harvard --, Bowdoin and the other overseers of the college at Cambridge protested with great vigor.[15] Also in 1762 James Bowdoin subscribed to the Society for Propagating Christian Knowledge among the Indians in North America, an organization incorporated by the Massachusetts General Court in February, 1762, but whose charter was disallowed in May, 1763.[16] This society was organized largely to counteract the missionary efforts of the Anglican Society for the Propagation of the Gospel in Foreign Parts.

Ecclesiasticism was not the most outstanding element in the rise of American opposition to the mother country, but it was a factor of some importance.[17] Besides Bowdoin,

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14. Ibid., 387: When General Washington came to Boston in 1789, he visited the Brattle Square Church and sat in Governor Bowdoin's pew.
15. Alden Bradford, Memoir of the Life and Writings of Jonathan Mayhew, 196.
16. Ibid., 198-9. Petition signed by Bowdoin and others asking for a charter for the society, January, 1762, Mass. Archives, XIV, 289-90. M.H.S. Colls., LXXIV, introduction, 74-5, 119.
17. Jonathan Boucher, View of the Causes of the Revolution, 80. Mellen Chamberlain, John Adams and other Essays, 20-1, 37. Arthur L. Cross, The Anglican Episcopate and the America Colonies, 270-1.

many prominent Whigs, including Samuel and John Adams, James Otis, Charles Chauncey, and Jonathan Mayhew, detested Anglicanism, which was commonly associated with Parliamentary tyranny.[18] John Adams wrote:

> "It the plan to establish an American episcopate spread an universal alarm against the authority of Parliament ... It was known that neither king, nor ministry, nor archbishops, could appoint bishops in America, without an act of Parliament; and if Parliament could tax us, they could establish the Church of England with all its creeds, articles, tests, ceremonies, and tithes, and prohibit all other churches, as conventicles and schism shops."[19]

James Bowdoin's political course was no doubt influenced somewhat by his religious convictions.

In the years just before the Revolution, Bowdoin began to develop his property on Naushon Island.[20] The primitive conditions were improved, and a farm, which the family sometimes used as a summer residence, was laid out. In 1774 and 1775 Mr. and Mrs. Bowdoin spent some time recuperating from serious illnesses on this pleasant island. During the war, British soldiers stole all the "stock of every kind, and destroyed most of the Buildings," and Bowdoin petitioned the Massachusetts Council for protection for his tenants.[21] This

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18. M.H.S. Colls., LXXII, 66-7, 70, 72, 77. Ibid., LXXIV, 30. Ibid., 4th series, IV, 408-454. J.H. Stark, The Loyalists of Mass. and the Other Side of the American Revolution, 29-30. John Adams, Novanglus (Boston, 1819), 52. Alden Bradford, Memoir of the Life and Writings of Rev. Jonathan Mayhew, passim.
19. John Adams, Works, X, 288.
20. Mass. Archives, I, 428, June, 1765. A.F. Emerson, Early History of Naushon Island, 350-1.
21. Ibid., 300.

remained in possession of the family until 1830.[22]

James Bowdoin also tried to promote the settlement of his undeveloped land in Maine, and thereby increase its value. He was one of the leading proprietors of the famous Kennebec Company, which included Sylvester Gardiner, James Pitts, William Bowdoin, and Benjamin Hallowell.[23] This group owned a vast tract of land along the Kennebec River which they organized into townships and opened for settlement, With the passing of the Indian menace, the advance of population in the area was rapid.

The greater part of Bowdoin's land was covered by white pine forests, and he had difficulty protecting the timber against settlers, thieves, and royal mast contractors. James Bowdoin, as well as other Maine proprietors, often prosecuted squatters who occupied his land illegally or cut timber on it.[24] A more irritating factor, however, was the loss resulting from the reservation of mast trees for the royal navy. The colonial owners suffered not only through this intrusion upon their private property rights, but also by the unscrupulous violations of mast contracts by mercen-

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22. Brissot de Warville spoke of the fine quality of the cheese made on Naushon Island after the Revolution. Quoted by M.C. Crawford, Old Boston Days and Ways, 363.
23. Maine Hist. Soc. Colls., 2nd series, XIV, 149-151. Chamberlain Manuscripts, Boston Public Library, contain documents pertaining to this company. Boston Post Boy, Feb. 18, 25, March 3, 1760. See Letter Book of James Bowdoin III, Bowdoin College Library, for inventory of Bowdoin lands in Maine.
24. Bowdoin Letter Book, 9, 20, 105, May 5, 1760, October 29, 1761, March 22, 1765.

ary agents of the contractors. These latter officials often lined their own pockets to the detriment of private property and the king's supply of masts. As Bowdoin put it:

> "... His [owner's] having on his land a tree fit for a royal mast subjects it to the inroads of the contractors' agents, who by destroying the smaller timber and doing other damage to come at and carry off such a tree for which damage no recompence is made, make it his interest to destroy, or any how get rid of the tree if he cannot saw it into boards, which is the common use such trees have been applied to where sawmills were handy ..."[25]

The loss occasioned by the execution of the Parliamentary timber laws, plus the conviction that these statutes were an unjustifiable violation of property rights, may well have affected James Bowdoin's political sentiments.

Neither Mr. nor Mrs. Bowdoin enjoyed perfect health, even while they were quite young. In December, 1763, James Bowdoin wrote to his brother-in-law, George Scott, that the hot baths of Grenada might benefit both himself and his wife. Bowdoin suffered from some form of rheumatism, but Mrs. Bowdoin's malady was of a stranger nature. According to her husband, she knew

> "the occasion of her ill state, and the means of removing it. She has nothing to do but to disuse Tea and snuff, and in a few months she would again be the finest girl in Christendom ..."[26]

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25. M.H.S. Colls., 6th series, IX, 234, November 12, 1770. T. Hutchinson, History, III, 244-5. See Robert G. Albion, Forests and Sea Power, especially 231-280.
26. Bowdoin Letter Book, 58-62, December 3, 1763.

While Mrs. Bowdoin apparently got over her affliction, her hasband's health was always delicate. Later, during the crucial years 1774 and 1775, James Bowdoin's ill health severely hindered his participation in public life and cost him the opportunity of serving his country in the Continental Congress.

CHAPTER VI

THE GENIUS OF CHARLES TOWNSHEND

James Bowdoin definitely aligned himself and the Massachusetts Council with the Adams-Otis faction in 1767 and 1768. The Sons of Liberty threatened all the "Friends of Government," and some of the Councillors hesitated to oppose the will of the people. Bowdoin was neither terrified nor intimidated, however, for he played his new role of leader of the Council forcefully and aggressively. From July 1768 to May 1769 the General Court remained prorogued, and Governor Bernard endeavored to conduct the government with whatever aid he could get from the Council in its executive capacity. During this time Bowdoin acted as the trusted colleague of Sam Adams on the Governor's board and contributed heartily to the chief executive's embarassment. Although the Council had no legislative authority during the recess of the Court, its only legal function being to advise and assist the Governor, under Bowdoin's direction it endeavored to act independently in the general interest of the province.

There is no reason to believe that Bowdoin was very radical in his ideas at this time, for he merely labored to discredit the revolutionary innovations of the British. But in spite of the fact that his background dictated a moderate course, Bowdoin became increasingly sympathetic to the patriot program during the Townshend controversy.

He sincerely believed that the new British administrative policy, and particularly the Customs board, directly threatened American interests. James Bowdoin never was the popular demagogue that Samuel Adams was, but he nevertheless became an important propagandist for the American Whigs.

It is difficult to explain Bowdoin's choice of party in the struggle between the mother country and the colonies. His utterances indicated that he agreed to a considerable extent with the popular principles, but that is not sufficient explanation in itself. Thomas Hutchinson said that Bowdoin's opposition to government was the result of a quarrel between John Temple, his son-in-law, and Governor Bernard. He went further and declared that most of the trouble in the Council resulted from Temple's family connections there. Hutchinson often oversimplified the struggle in this way, but it was true that Bowdoin was often supported by John Erving, his father-in-law, and James Pitts and Thomas Flucker, his brothers-in-law. Yet after the repeal of the Townshend Acts while Bowdoin still worked with the

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1. Hutchinson wrote that the alteration in the customs service "naturally increased Mr. Temple's prejudices and it noticeably caused a prejudice in Mr. Bowdoin his wife's father, Mr. Erving, her grandfather [?], and Mr. Pitts her uncle, all of the Council and all men of large estates and capable of drawing a large train after them ..." Hutchinson Correspondence, Mass. Archives, XXVI, 417, undated. In his History, III, 211, Hutchinson says "... But Mr. Temple ..., having married Mr. Bowdoin's daughter, and having differed with Governor Bernard, and connected himself with Mr. Otis, and others in the opposition, Mr. Bowdoin, from that time, entered into the like connexions ...".

Whigs, Erving and Pitts rejoined the prerogative party, and Flucker became the royal secretary of Massachusetts. In addition to being motivated by a certain amount of principle and private pique, James Bowdoin also had personal ambitions. There appeared to be no hope for political advancement in the existing setup, so the logical course was to play along with the party of opposition to Bernard and Hutchinson. Bowdoin was a valuable addition to the patriot party, for besides his political ability he lent a semblance of respectability and dignity to the revolutionary movement in Massachusetts.

Whatever the reason for Bowdoin's inclusion in the patriot ranks, his presence there represented a considerable gamble. With the exception of John Hancock, "the wretched and plundered tool of the Boston rebels,"[2] he had more at stake than any of the Massachusetts Whigs. Although many merchants and other men of wealth had opposed the new British colonial policy at first, they refused to support the revolutionary program of the radical politicians. After practically all of the men of his class had deserted the patriots, James Bowdoin continued to cooperate with the Adams-Otis faction.

Time was with the government party in Massachusetts, for in the absence of further external grievances, the radicals were bound to lose strength. The patriot party

2. [John Mein], Sagittarius's Letters, 103.

might very easily have disintegrated completely if an ingenious minister had not blessed it with another grievance. Consequently both Bernard and Hutchinson advised that Parliament would be wise to abstain from any more tax measures. Neither of these royal officials had any desire for new revenue acts, and the Governor wrote that he wished to "particularly avoid being thought to have any concern in them."[3] Hutchinson feared new legislation, which, if not adequately enforced, might lead to another disastrous repeal. Such an event, he thought, would greatly further the movement for independence.[4] It was fortunate for the patriot cause that these suggestions made no impression upon brilliant and erratic Charles Townshend, the new Chancellor of the Exchequer. "Champagne Charlie," as he was familiarly known, "came forward, and pawned his character on the success of a new attempt to tax the colonies."[5]

The new measures, the Townshend Acts, were passed in June, 1767, and were to go into effect in November of that year.[6] Humoring the colonists in their distinction between external and internal regulation, Parliament levied duties on certain English manufactures imported into the colonies

3. Bernard Papers, VI, 44, August 30, 1767.
4. Hutchinson Correspondence, Mass. Archives, XXV, 184, June 6, 1767. T. Hutchinson, History, III, 129.
5. Mercy Warren, Hist. of the Am. Rev., I, 44.
6. 7 George III, c 46.

-- paper, glass, painters' colors, and lead. In addition to this, the law imposed a three penny tax on imported tea, to replace a twelve penny export duty previously collected in England. Thomas Hutchinson asserted that the saving of nine pence per pound of tea more than offset all the other taxes combined.[7] These measures were imposed in the manner designated by the Americans as constitutional, but yet were expected to raise a considerable revenue. Townshend proposed that the proceeds should be used to maintain a colonial civil list, and thereby free royal officials of dependence upon provincial legislatures for their salaries. Also the hated writs of assistance were specifically authorized for the use of customs officers in the enforcement of the laws. Another law provided new administrative machinery in the form of an American Board of Commissioners of the Customs, which was to reside in Boston.[8]

The Townshend Acts ended the search of the radicals for issues. Several provisions made the new laws appear more threatening to American rights than the Stamp Act. The prospect of an external revenue measure was no more pleasant than an internal one, and Americans were terrified to think of independent governors and judges. Colonial assemblies had found that control of salaries was their

7. T. Hutchinson, History, III, 130; Boston Gazette, August 15, 1768.
8. 7 George III c. 41.

most effective weapon.[9] Ominous, also, was the establishment of the American Customs Board, resident at Boston, and directly responsible to the Lords of the Treasury. This new body had broad powers to enable it to enforce the navigation acts,[10] and to suppress smuggling, which had been notoriously open.[11] Further food for thought and ground for protest was the suspension of the New York legislature for having failed to comply with the recent Quartering Act.[12] Charles Townshend had contrived logically and ingeniously to raise a colonial revenue, and to revitalize the whole mercantile structure. The Stamp Act controversy had taught the English very little, and they heaped fuel on the dying radical fire, which threatened to disrupt the British empire.

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9. Boston Gazette, Aug. 17, 1767: "Governors INDEPENDENT! What a sound is this! It is discord in the ear of a Briton. A power without a check! What a solicism in a free government!"
10. E. Channing, History, III, 91: "...the establishment of an effective American customs service was equivalent to reenacting the whole set of navigation laws from Charles II on."
11. T. Hutchinson, History, III, 130. A.M. Schlesinger, The Colonial Merchants and the American Revolution, 1763-1776, 94-5. The inefficiency of the customs service hitherto was partly due to a bitter quarrel between Governor Bernard and John Temple, the Surveyor General. Both complained of the other to England and Temple seems to have gotten the better of the dispute. The Temple Letter book, MSS, Mass. Hist. Society contains much material on this affair. See also Bernard Papers, MSS Harvard Univ. Library for many references.
12. Boston Gazette, August 31, 1767: "If the p------T of G----B------ can suspend the legislative authority of New York, the legislature here is a poor contemptible air castle."

American political thinking was clarified still more in the dispute over the Townshend Acts. The colonists' distinction between internal and external regulation blew up in their faces, as some had expected that it would. Sam Adams apprehensively asked in December 1766, if, "under the Pretext of Regulating Trade only," a colonial revenue might not be exacted.[13] The principle never held water for there were several instances of external revenue measures, which the colonists had accepted without protest. One recent example was the duty on imported molasses collected at American ports. Thomas Whately wrote from England that "the distinction between external and internal taxes is totally exploded."[14] The American theory had been but a temporary defense against Parliamentary taxation, and in 1767 it was necessary to find new arguments.

Although there was early talk of boycotting English manufactures, the Boston merchants did not take the lead in this affair.[15] The Townshend Acts did not seem as injurious to trade as other existing restrictions, and the traders favored a moderate constitutional opposition. In July 1767 one of the radical politicians dragged within the hearing

13. Adams to Gadsden, Writings, I, 110, December 11, 1766.
14. MHS Colls., 6th series, IX, 79-80, 83, February 25, May 2, 1767.
15. A.M. Schlesinger, The Colonial Merchants and the American Revolution, 1763-1776, 91-2; C.M. Andrews, "The Boston Merchants and the Non-importation Movement", Pubs. Col. Society of Mass., XIX, 191-192, 201-203.

of Thomas Hutchinson that a "universal" agreement not to use any British imports would be adopted by "all ranks of people."[16] Soon the Boston Gazette was urging Americans to cast off "the gaudy ensigns of dependence," and with "unstain'd virtue and unblemished honesty" to refuse to import British goods.[17] On October 28, 1767 a Boston town meeting adopted a non-consumption resolution which was quickly circulated throughout Massachusetts and the rest of the colonies.[18] This was not a non-importation agreement but it expressed disapproval of the importation of British goods. There seems to have been some decision not to import luxury items, however, for James Bowdoin wrote to a business correspondent in London that he could not purchase some engravings, for "the spirit of economy, so necessarily present here, will not allow our importing such kind of articles."[19] In any event the program of the Whigs was mainly a non-consumption movement and the merchants denounced it as "the result of the very few and impotent junto."[20]

Throughout the winter of 1767 and 1768 the appeal to economy and frugality was raised. Americans were asked to

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16. Hutchinson Correspondence, Mass. Archives, XXVI, 281, July 18, 1767.
17. Boston Gazette, August 31, 1767.
18. Boston Record Commissioners''Report, XVI, 221-223.
19. James Bowdoin to Jonn Lane, December 13, 1767, MHS Colls., 6th series, IX, 84-5.
20. Boston Evening Post, November 23, 1767, See also attitudes of merchants in issues of September 7 and October 12, 1767.

refrain from the use of English products, and to encourage the manufacture and use of colonial-made articles. It is impossible to ascertain the extent of abstention from the purchase of English manufactures and tea. The radicals' claims of success were extravagant, but undoubtedly there was some response to their appeal. Generally it was difficult to persuade the colonists to use American items instead of the customary fashionable European goods. The next spring saw the "usual Exportations to America" of foreign "superfluitys," and Samuel Adams admitted that it was "very probable that many Persons may break through their Agreement."[21] This early non-consumption campaign of the patriots appears not to have attracted widespread support, and not to have had any considerable effect upon British commerce and manufacturing.[22]

In the Sugar Act controversy the merchants had enlisted the aid of lower elements of the population, and the latter had impetuously gone far beyond the moderate intentions of the conservative importers. The menace of an unruly riotous populace, only recently conscious of its physical strength, was greater than British tyranny to respectable wealthy Americans. As a consequence the Boston merchants insisted that opposition to the Townshend

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21. Writings of Samuel Adams, I, 217.
22. C.M. Andrews, "The Boston Merchants and the Non-Importation Movement", Pubs. of the Col. Society of Mass., XIX, 191-198.

Acts be kept within moderate bounds, and they declined to act rashly in support of the radicals' program. As the course toward independence gained momentum, many of the merchants became less and less sympathetic to the radicals' cause. Those of the American aristocracy, like Bowdoin, who finally joined the patriot party, usually were not motivated by visions of democratic government for they instinctively feared the excesses and insecurity of revolutions.

By the spring of 1768 the Boston merchants were convinced of the expedience of coercive action, and they decided to revive the non-importation scheme of Stamp Act days. On March 4 a meeting of merchants unanimously accepted a resolution not to import any European commodities, with a few exceptions for one year. This agreement was to be binding when similar resolves should be adopted "by most of the principal trading Towns in this and the neighboring colonies."[23] A committee was appointed to communicate with the importers in the other colonies and to urge their cooperation in the non-importation movement. A favorable reply was received from New York, but the merchants of Philadelphia cautiously refrained from entering into any agreement. Following this development the non-importation plan was abandoned and not revived until

23. Pubs. Col. Soc. of Mass., XIX, 201-2; Letters and Diary of John Rowe, 153-155.

after Boston got news that troops were to be sent over to protect and aid the customs officers.

In the meantime the Adams-Otis faction struggled to unite the opposition to the new menace. Bernard wrote that there seemed to be a determined effort "to raise the Mob against the new establishments" but still Otis and his "deluded Partisans" were unable to accomplish anything in the summer session of the General Court.[24] Despite the persistent entreaty of the town of Boston, the Governor refused to call a new assembly until December 30, 1767.[25] Meanwhile the new Customs Board was in operation and the Townshend Acts had gone into effect quietly. At first it was reported that the commissioners would not be permitted to land, but only a few pleasantries accompanied their arrival on November 5 and they proceeded to their official business. The new taxes were effective November 20, but no dutied articles were imported before the convening of the General Court, and Bernard pleasantly noted that "there was more appearance of tranquillity than there had been for some time before."[26]

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24. Bernard Papers, VI, 42, 43, 45, 46, 223-229, August 30, August 31, September 14, August 24, 1767.
25. T. Hutchinson, History, III, 132.
26. Ibid.,132. Hutchinson Correspondence, Mass. Archives, XXV, 226, November 19, 1767: "The Colonies in general seem to be disposed to quiet and I think this Prov. would be so if it was not for a few wicked people in this town."

The House of Representatives in the winter session of 1767 and 1768 was controlled by the moderates during the early part of the session, and Governor Bernard noted that for a full month it had not shown "the least Intimation to Dispute."[27] This "good Disposition" of the Assembly did not last, however, and before the session ended, the Governor reported "lovers of contention" and "false patriots" were "sacrificing their country to the gratification of their own passions."[28] A series of petitions and addresses, most of them written by Sam Adams, were directed to the king, prominent ministers and to Parliament. "With the warmest sentiments of loyalty, duty, and affection", the house acknowledged Parliament's "supreme legislative power" as long as it did not conflict "with the fundamental rights of nature and the constitution." According to the Americans, no duty might be levied "with the sole and express purpose of raising a revenue." Therefore the Townshend Acts were unconstitutional.[29] The debates in the House of Representatives were long and bitter, and as the "Wittanagemot" continued sitting, Hutchinson said that he could not tell "which to wonder at most the wickedness or weakness of the leaders of the party."[30]

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27. Barrington-Bernard Correspondence, 132, Jan. 26, 1768.
28. Bernard to General Court, March 4, 1768, Mass. State Papers, 120-1.
29. House of Representatives to George III, January 20, 1768, Mass. State Papers, 121-3.
30. Hutchinson Correspondence, Mass. Archives, XXVI, 292, February 23, 1768.

One of the causes for dispute in Massachusetts was a letter from Lord Shelburne to Governor Bernard. This approved the Governor's constitutional act of negativing certain Councillors "whose mistaken zeal" might have led to "improper excesses", and "whose private resentment" might have embarassed the administration and endangered "the quiet of the province."[31] Bernard thought it expedient to show this to the Council and the latter advised that the letter be read to the House.[32] This was done and the House vindicated itself and the "unimpeachable" characters of the negatived Councillors in a scathing message which accused Bernard of misrepresentation.[33] Thomas Hutchinson wrote prematurely that the Shelburne letter had a good effect, but obviously this affair only occasioned further antagonism in the province.[34]

The Massachusetts Sons of Liberty hoped to arouse a united intercolonial resistence to the Townshend Acts. With this in mind they persuaded a small house, late in the session, to send a circular letter to the other assemblies, acquainting them with the proceedings in Massachusetts.

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31. Mass. State Papers, 117-8, September 17, 1767.
32. Court Records, XXVII, 177, February 3, 1768.
33. Mass. State Papers, 113-6, February 18, 1768.
34. Hutchinson Correspondence, Mass. Archives, XXVI, 287, 288, February 3, February 14, 1768. A few weeks later Hutchinson wrote that the faction "smothered their resentment a little while and then vented it with more fury ...", Hutchinson Correspondence, Mass. Archives, XXVI, 298, March 27, 1768.

Sam Adams was authorized to write the note and did so in a quite moderate tone.[35] He admitted a constitutional subordination to Parliament, but declared that the raising of a colonial revenue was an infringement of the "natural and constitutional Rights" of Americans. The argument of the Circular Letter represented another step in the repudiation of Parliamentary authority by the colonists. Some thought that Adams should have logically denied the sovereignty of Parliament completely, but he realized that a more conservative stand had to be the basis of colonial unity at that time. The connection between Great Britain and America was being cut away in piecemeal fashion, while the colonial mind was being conditioned for a total declaration of independence.

Several events of early 1768 convinced Governor Bernard that the Council was becoming less and less useful to him.[36] In matters relating to the colonial agent in

35. Mass. State Papers, 134-136, February 11, 1768. In the preceding month the Whigs had tried to get the house to adopt a circular letter, but the resolution had been defeated over 2 to 1. Journal of the House of Representatives, 1767-1768.. On this occasion Bernard gloated: "The Faction has never had so great a Defeat as this has been; nor so great a disappointment, as it cuts off their hopes of once more inflaming the whole continent." Bernard Papers, VI, 79-81, February 1, 1768.
36. Hutchinson Correspondence, Mass. Archives, XXVI, 289, February 14, 1768: "... The popular part of the Court has now taken the whole Government very much into their hands and one, at least, of the other branches have lost very much of the weight which was intended it by the charter and that was full little."

England, the House of Representatives had assumed full control, and the upper chamber gradually acquiesced in this development. The assembly had insisted for some time in maintaining its own agent, and it refused to join the Council in appointing a provincial representative as had been the previous custom. Although the Governor and the upper house tried to persuade the assembly to resume the old practice, their efforts were fruitless. Councillors who opposed grants to the house agent were treated to a dose of Otis proscription, a list of the dissenters' names was circulated about the house for future reference. Bernard disgustedly wrote "Such is the freedom of Debate which the second Branch of Legislature enjoys under their present Constitution of being annually elected."[37] In February, 1768, the house voted compensation to its appointee, Dennys De Berdt, and the board agreed to this after the "Faction" exerted some pressure.[38] The Governor wrote that the Whigs "were more afraid of the Council than they were of me."[39] According to Hutchinson the upper house's concurrence in this grant was "quite a new thing," and he felt that the whole affair revealed the unjustifiable determination of the house to seize complete

37. Bernard Papers, VI, 217-221, June 22, 1767.
38. Acts and Resolves, XVIII, 289, February 5, 1768; Court Records, XXVII, 182.
39. Bernard Papers, VI, 88, February 8, 1768.

control of the government.[40] The Council soon after tried to take the initiative in the appointment of a provincial agent, but the assembly refused to concede the advantage seized in this respect.[41]

When the customs commissioners asked the Governor for protection against the uneasy populace in the spring of 1768, the Council refused to offer any assistance.[42] The people of Boston, restless and discontented after a hard winter, in which many had suffered from lack of work, blamed their distress upon the revenue acts and the customs officers.[43] Consequently the latter feared that the threatening mob would honor them with a riotous demonstration. On the anniversary of the Stamp Act repeal, March 17, two images, one of which represented Charles Paxton, were seen hanging for a time on the Liberty Tree. The frightened commissioners hastily

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40. Hutchinson Correspondence, Mass. Archives, XXVI, 289, February 14, 1768. Earlier he wrote: "In matters relating to agency and in all correspondence with England the house assume the powers of government, the council acquiescing and the governor not being able to prevent it." Ibid., XXVI, 254, December 17, 1766.
41. Court Records, XXVII, 236, 246, 256, February 23, 24, 26, 1768.
42. Barrington-Bernard Correspondence, 148-9, March 4, 1768; Council Records, XVI, 298, March 16, 1768.
43. Hutchinson Correspondence, Mass. Archives, XXVI, 297, March 26, 1768. Bernard Papers, VI, 101, March 6, 1768. Letters of a Loyalist Lady, 13, "They believe that the Commissioners have an unlimited power given to tax even their Lands, and that its in order to raise a Revenue, for supporting a Number of Bishops that are coming over and they are inspired with an enthusiastic Rage for defending their Religion and liberties."

appealed once more to Bernard and he in turn laid the matter before the Council. This body advised that "some insignificant people" had apparently hung the figures on the tree, and that there was no danger of a further disturbance.[44] Although the day passed quietly, with the mob held in restraint, Thomas Hutchinson said that "The least hint from their leaders would encourage them to any degree of violence and how soon that hint may be given we know not."[45] The customs officers wanted the Governor to call for troops, but he had decided not to do so unless the Council directed him to. He saw little prospect of this for he wrote "I no more dare apply for Troops than the Council dare advise me to it."[46] Bernard lived in dreadful fear of the Sons of Liberty, for he took particular care not to appear to have requested military support. Thus with the defenseless crown officers unwilling to act alone, and the Council indisposed to oppose popular opinion, the town of Boston was at the mercy of the mob.

On one occasion the Council seemed to act with more spirit than in the above instances. Toward the end of the winter session of the General Court, there appeared an

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44. Council Records, XVI, 298-300, March 18, 1768.
45. Hutchinson Correspondence, Mass. Archives, XXVI, 296, March 23, 1768.
46. Barrington-Bernard Correspondence, 148, March 4, 1768. Hutchinson wrote that if Bernard had applied for troops "there is no saying what length the people would have gone in their resentment." Hutchinson Correspondence, Mass. Archives, XXVI, 296, March 23, 1768.

article in the Boston Gazette, which attacked the Governor in extremely abusive language.[47] The "Friends of Government" immediately denounced this as a libellous piece and urged a prosecution of the printer. Bernard placed the matter before the Councillors and they expressed "their utmost detestation of the libellous and seditious publication" and advised that it be placed before the General Court.[48] The House, ignoring the insult to the Governor, replied that there was nothing in the article which affected "the true interest of the province," and declared that freedom of the press "is the great bulwark of the liberty of the people."[49] Although the Council sent a warm message to the Governor, deploring the "insolent and licentious attack," it had not firmness enough to persevere "and failed to support the government in the prosecution."[50] Chief Justice Thomas Hutchinson endeavored "to eradicate the absurd notion of the Liberty of the Press" and "to present this paper as a Libel," but still the printer was not convicted.[51]

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47. February 28, 1768.
48. Council Records, XVI, 293, March 1, 1768.
49. Mass. State Papers, 119, March 3, 1768.
50. Court Records, XXVII, 279-280, March 3, 1768, Hutchinson Correspondence, Mass. Archives, XXVI, 295, March 23, 1768; Letters to the Ministry ... (Boston, 1769) 9, March 5, 1768.
51. Hutchinson Correspondence, Mass. Archives, XXVI, 295, 297, 298, March 23, 26, 27, 1768. Bernard Papers, VI, 101-104, March 14, 1768. Hutchinson, History, III, 135.

Bernard hoped to bargain with the faction and possibly obtain the return of both Thomas Hutchinson and James Otis, Sr., to the Council in May 1768. The elder Otis declared that he would give up his position in the government rather than see the Lieutenant Governor elected.[52] Hutchinson was quite confident of victory, however, and would probably have been elected except for some unscrupulous but clever manipulation by Otis and Adams. News had just been received that the British government had granted Hutchinson a sum of money to supplement his meagre salary as chief justice, and Otis "ran about the House" "like an enraged Demon," denouncing the Lieutenant Governor as a pensioner. This had the desired effect on the members for Hutchinson was not returned to the Council.[53] Governor Bernard proceeded to negative several undesirables, and since the assembly refused to elect replacements, the upper house had only twenty-two instead of twenty-eight members.[54] By not filling the vacancies with more acceptable men, the House hoped to diminish the influence and weight of the Council. Hutchinson believed that his election would have steadied the government and put "quite a new face upon our publick affairs."[55] The importance

52. Hutchinson Correspondence, Mass. Archives, XXVI, 308, June 4, 1768. See a spirited denunciation of the moderation of the Council earlier, and a plea for the selection of liberty-loving Councillors in Boston Gazette, May 23, 1768.
53. Ibid., XXV, 258, 262, May 31, June 7, 1768; XXVI, 306, 308, May 26, June 4, 1768; Bernard Papers, VI, 115-6, 119-122, May 20, June 6, 1768.
54. Acts and Resolves, XVIII, 329. Bernard negatived Thos. Saunders, John Hancock, Joseph Gerrish, Artemas Ward, James Otis, Jerathmeel Bowers.
55. Ibid., XXV, 258, May 31, 1768.

attached to the control of the Council by the prerogative party was justified by subsequent developments which saw the tendency of the upper house to desert the Governor evolve into outright opposition.

The controversy over the Townshend Acts might have been terminated quickly if it had not been for the insistance of the Americans upon repeal as a matter of right. As early as 1768 Hillsborough expressed his disapproval of these "uncommercial" laws. Under no circumstances, however, were the English ready to concede that Parliament lacked authority to tax the colonies or that the Townshend Acts were unconstitutional. Repeatedly the colonists were urged to emphasize the economic grievance and to refrain from claiming a constitutional exemption from Parliamentary authority.[56] Although the

56. Letters of Dennys De Berdt, June 27, July 6 August 26, 1768, Pubs. Col. Society of Mass., XIII, 332, 334-5, 339-340. Thomas Pownall made this point very clearly in a letter to James Bowdoin, Feb. 3, 1769. M.H.S. Proc., V, 237-8: "... The ministry adopt my sentiments, and say that they would have fallen into this channel repeal even now, were it not for the declarations and riots and tumults set up in opposition to acts of Parliament; that, when this opposition is withdrawn, they will, upon commercial and political i.e. using distinction between internal and external taxation grounds, repeal the late revenue laws, and fall into the old track on the old ground ..." (also in C.A.W. Pownall, Thomas Pownall, 212); John Almon, Biographical, Literary, and Political Anecdotes of Several of the Most Eminent Persons of the Present Age (London, 1797) I, 36-7, The

merchants were willing to heed this suggestion, the patriots refused to let this wonderful grievance pass so harmlessly. The repeal of the measures was further postponed by the disrespectful treatment of His Majesty's officers in the province of Massachusetts.

The Commissioners of Customs became the foremost object of the wrath of the Sons of Liberty. It was asserted by the Whigs that these officials had been sent over to assure the collection of "unconstitutional " taxes rather than to enforce trade regulations. Also they were believed to have much wider authority than was actually the case and particularly the power to appoint a "host of pensioners."[57] Samuel Adams declared that they were "a useless and very expensive set of officers" who were generally regarded "in no better a light than the late Commissioners of the Stamps."[58]

Duke of Leeds spoke in favor of Parliamentary supremacy but added -- "...I am no less fully convinced, that the measure of levying taxes in so distant a part of the empire contrary to the almost unanimous opinion of the people proposed to be taxed was an ill-advised, inexpedient and most impolitic step on the part of government." Also William Knox to George Grenville, December 15, 1768, Grenville Papers, IV, 400-1.

57. Mass. State Papers, 130, January 12, 1768. Letter of House of Representatives to Dennys De Berdt. Bernard wrote to Barrington, May 9, 1768: "At present the Faction is chiefly employed in insulting affronting the Commissioners of the Customs and their Officers. The Instances are gross and notorious ...", Barrington-Bernard Correspondence, 157. See also Bernard Papers, VI, 101, March 6, 1768.

58. Writings of Samuel Adams, I, 216-217, May 14, 1768.

The sister of one of the customs officers wondered at the "Credulity of the Common people" who were led to believe that the commissioners were empowered "to tax even their Lands" in order to support "a Number of Bishops that are coming over."[59] Paxton and his associates were justifiably apprehensive when the reputed sentiments of the "Sons of Violence" were "That it would be no Sin to Murder Governor Bernard and that the commissioners deserv'd the same fate."[60]

Fear of the Boston mob led the customs officers to repeat their request for troops to protect them and to assist them in the performance of their duty. The plea for troops was not answered immediately but in May, 1768, the man-of-war Romney arrived in Boston harbor. A few days later on June 10 a serious riot resulted when the commissioners seized John Hancock's sloop Liberty which had been engaged in smuggling activities. The Liberty was towed from the wharf out into the harbor and anchored under the protecting guns of the Romney. A mob quickly vented its rage by assaulting several of the customs officers, attacking their homes, and by dragging the pleasure boat of one of the commissioners through the

59. [Anne Hulten] , Letters of a Loyalist Lady, 13.
60. Harvard Library, MSS, Sparks, X, "Papers Relating to New England", III, 18.

streets to the Common where it was finally burned.[61] Boston was in such a state of confusion that the fearful commissioners with their families took refuge on the friendly Romney and later at Castle William.[62]

The Sons of Liberty soon voiced their approbation of the "Liberty Riot." A Boston town meeting addressed Governor Bernard and applauded the departure of the customs commissioners "of their own motion." It was hoped that the officers,

> "being convinced of the impropriety and injustice of the appointment of a board with such enormous powers, and the inevitable destruction which would enuse from the exercive of their office,"

would not return.[63] A few days later the instructions to Boston's representatives condemned the seizure of the Liberty as "violent, illegal," and "without any probable cause." The town still expressed its "cordial and sincere affection" for Great Britain, and with eloquent ambiguity acknowledged a "due subordination" to parliament, "as the supreme legislative in all cases of necessity for the preservation of the whole empire."[64] Quite obviously the Bostonians did not intend to admit the legality of the

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61. Boston Gazette, June 13, 20, 1768. Letters to the Ministry ..., 21-25, June 11, 13, 14, 1768. Hutchinson Correspondence, Mass. Archives, XXVI, 310-312 June 16, 1768. Hutchinson, History, III, 136-139. Account of Commodore Hood to George Grenville in Grenville Papers, IV, 306-8, July 11, 1768, See also Ibid., 319-21, July 23, 1768.
62. One of the Commissioners, John Temple, remained in the town.
63. Hutchinson, History, III, Appendix J, 353-4.
64. Ibid., Appendix K, 354-6.

Townshend Acts or the newly established Board of Customs Commissioners. With the town in the hands of the obstinate and insolent Sons of Liberty, the crown officers looked anxiously for assistance from England.

Immediately after the violence of June 10, the Governor tried unsuccessfully to persuade the Council "to come into some spirited measures."[65] The Councillors refused to advise action to prevent future violence, and reported that there "was no immediate danger of fresh disturbances."[66] According to Bernard they revealed a disposition all along to avoid the issue and to escape the hatred of the Boston Whigs.[67] In its executive capacity the Council voted to postpone the issue, and by legislative action it proposed

65. Hutchinson Correspondence, Mass. Archives, XXVI, 310-312, June 16, 1768.
66. Council Records, XVI, 319, 320, June 11, 13, 1768; Court Records, XXVII, 390-1. June 29, 1768. Commodore Hood to George Grenville, August 8, 1768: When Bernard asked the Council to advise him to call for troops, only 3 supported him, "so that his Excellency is now left to act upon his own judgement solely, which may possibly make him less timid." Grenville Papers, IV, 334. Hood felt that the Governor was a weak man and that he should have taken action himself -- action which "would have prevented almost the whole that has happened ..." Ibid, 373-9, October 15, 1768. See also letter of Thomas Whately, October 28, 1768. Ibid.,391.
67. Bernard wrote to Hillsborough, June 11, 1768 that the Council showed "a Disposition to meddle with it as little as possible." Letters to Ministry of Governor Bernard, General Gage and Commodore Hood, Boston, 1769, 21.

that a joint committee of the General Court investigate the incident and recommend measures to be taken. Before any report was made, however, the General Court had been dissolved. Governor Bernard wrote to Lord Hillsborough that the Councillors' lethargy on this and other occasions showed "how little dependence" he could have "upon their assistance in the prosecution of the Sons of Liberty."

The Massachusetts Circular Letter, with its intent of unifying colonial resistence, was regarded in England as an act of rank rebellion. The Earl of Hillsborough, the new Secretary of State in charge of colonial affairs not only condemned this "rash and hasty proceeding" but demanded that the Massachusetts House rescind the letter under penalty of dissolution. Then in a circular letter of his own he ordered all American governors to insist that their assemblies disregard Massachusetts' action. By this peremptory command, Hillsborough, instead of creating a fear of British punushment in America, merely made the colonists hopping mad. In Massachusetts the House voted 92 to 17 not to rescind the circular letter, and their action was applauded by the other colonists.[68] Since Massachusetts failed to obey the Secretary's order to rescind, Bernard dissolved the General Court, July 1, 1768. Once again an ignorant British minister had played directly into

68. Journal of the House of Representatives, 1768-1769, 89-90.

the hands of the patriots and helped them to spread the spirit of resistence. Hillsborough's demands united the colonial opposition to the Townshend Acts more than the Massachusetts Circular Letter itself.[69]

Before the dissolution of the General Court, a Council committee had begun the preparation of an address to the King regarding the state of the province. Unaware of this, Governor Bernard prorogued the court before any report could be made. Consequently the Council protested and the Governor decided to permit the committee to finish its work.[70] James Bowdoin drew up and reported this letter and the Council forwarded it to Lord Hillsborough. While professing the colonists' sincere loyalty to Great Britain, the petition requested relief from the Parliamentary taxation. Although he emphasized the detrimental economic effects of the Townshend Acts, Bowdoin also inserted the plea "that the charter rights and privileges of the people of this Province" might be secured to them."[71] Thomas Hutchinson believed that if he had been present in the Council, he probably could have prevented this performance which

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69. J.C. Miller, Origins of the American Revolution, 262: "Lord Hillsborough's Circular Letter deserves to rank not far below the Stamp Act and Townshend duties among the contributions of British ministers to the formation of the American union."
70. Letters to the Ministry ..., (Boston, 1769), 33-4.
71. Council Records, XVI, 330-331, June 30, July 7, 1768. Manuscript draft in Bowdoin and Temple Papers, I, 105. Printed in MHS Colls., 6th series, IX, 93-99. Only 9 Councillors, all local members, signed the address.

revealed the Board's "dependence upon the House of representatives."[72] Bowdoin and other Boston members contemplated an address to Parliament also, but when Bernard refused to legalize the sessions of the Councillors by attending the meetings, this plan was postponed.[73]

The Governor also tried once more to prevail upon the Council to support him in a plea for troops, but with no success. Although he refused to make an outright request without the advice of the Board, Bernard hinted so broadly in his letters that there could be no doubt as to his sentiments. In the latter part of July, 1768, he called a meeting of Councillors and reminded them that nothing had been done about the "Liberty Riot." Also he asked if they would sanction the calling of troops, for he was "determined to do nothing in such a business" without their advice. The reply of the Council was really a defense of the rioters for it declared that the commissioners were not "faultless" and that probably there would have been no disturbance

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72. Hutchinson Correspondence, Mass. Archives, XXVI, 313, July 14, 1768. Hutchinson also noted that "the conclusion of the letter shews they are restrained from uttering their full sentiments by their dependance upon the Crown."
73. In the Bowdoin and Temple Papers, I, 106, there is the draft of an unsent letter of the council, dated July 18, 1768, to Barlow Trecothick, a prominent London merchant and member of Parliament who was selected to present the petition. This relates that Bernard refused to attend meetings of the Councillors, so they would have to petition Parliament individually.

except for the irregular procedure of the officers. Very blandly the Councillors told Bernard that the commissioners had left of their own will and that there had been "no insult ever offered to them." Since the customs officers had requested a warship and also military assistance, it could not "be thought strange that the Town and Province entertain no affection for them." With regard to the soldiers, the Council emphatically asserted that the "Civil Power" did not need them, and if anyone applied for them he acted "in the highest degree unfriendly to the Peace and good order of this Government."[74] Never before had the Governor seen "the popular Spirit" higher in the Council than in this affair. There was no occasion to doubt any longer that the "Faction" was now virtually in control of the entire government. Bernard wrote home that "the Cause" had become "desperate", and he expected "popular leaders and popular Measures" to prevail entirely with the Board thenceforth.[76]

The ministry indiscreetly chose to regard the agitation of the radicals as full scale rebellion and to treat it as

74. Council Records, XVI,333-343, July 27, 29, 1768. 15 Councillors were present.
75. Letters to the Ministry ..., 36-7, July 30, 1768.
76. Barrington-Bernard Correspondence, 169-170, July, 30, 1768. The Governor was convinced by this affair that he was "no longer to depend upon the Council for the Support of the small Remains of royal and parliamentary Power now left; the whole of which has been gradually impeached arraigned and condemned under my Eye."

such with a show of force. Both Bernard and the Commissioners of Customs had for some time lamented their impotence and expressed the opinion that external assistance was needed to restore their authority. Even before the riot of June 10 it had been decided to overawe the Bostonians with troops, but, due to delays, the soldiers did not arrive until October.[77] Although it may have seemed necessary to maintain the authority and dignity of Parliament at all costs, the sending of troops to Boston was an unwise policy. This step convinced many moderate Americans that the radicals' fears of British tyranny were not entirely groundless.[78] Thus the nearsighted and stubborn Hillsborough fanned the flame once more, and contributed more thunder to the patriot party.

As soon as Governor Bernard received the information that troops were actually on their way to Massachusetts, he consulted the Council regarding accommodations for them.[79]

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77. See letter of Lord Hillsborough to General Gage, June 8, 1768, C.E. Carter, ed., Correspondence of General Thomas Gage, II, 68-9.
78. Samuel Adams asked in the Boston Gazette, December 5, 1768: "Is this the method to reconcile the people to the temper of the present administration of government in this province? Will the spirits of people as yet unsubdued by tyranny, unaw'd by the menaces of arbitrary power, submit to be govern'd by military force?" Writings of Samuel Adams, I, 258.
79. Entire affair related in Council Records, XVI, 353-372, September 19-October 26, 1768. Copies of these records in Bowdoin and Temple Papers, I. Printed in part in M.H.S. Colls., 6th series, IX, 101-111.

He communicated General Gage's letter which reported that two regiments under Colonel Dalrymple had been ordered from Halifax to Boston. One of the regiments was to go to Castle William while the other was ordered to the town itself. Gage asked the Governor to provide quarters for the soldiers, and Bernard turned to the Council for assistance. That body quickly advised the accommodation of the regiment intended for the Castle, but suggested that the selectmen of Boston should be consulted concerning the quartering of the other regiment in the town. The selectmen said that, according to the Act of Parliament, the town was under no obligation to provide additional quarters until the barracks at Castle William, which were within the limits of the town, were filled. Thereupon the Governor asked if the Council would authorize the outfitting of a large public building, known as the Manufactory House, for the accommodation of the soldiers. James Bowdoin drew up and reported the reply of the Council which largely reiterated the views of the selectmen. He declared that it was

> "not in the power of the Board to provide quarters for the said regiments as destined, till the barracks at Castle William and the inns, livery stables, and other houses mentioned in the said act shall be full ... ".

Also he said that to make any other provisions for the troops would be "not only contrary to the act of Parliament" but

"inconsistent with the peace of the town ..."[80] Bowdoin took the opportunity to tell Bernard, in a thinly-veiled accusation, that the ministry

> "could never had judged it either necessary or expedient to go into such extraordinary measures as those of sending troops hither, unless in the pepresentations made from hence by some ill-minded persons the said riots had been greatly magnified and exaggerated."

Governor Bernard, Colonel Dalrymple and even General Gage alternately pleaded with and threatened the Council, but to no avail. A bit later when two more regiments arrived the Governor prevailed upon the Council to advise the clearing of the Manufactory House, "for such troops as cannot be accommodated in the barracks at Castle William, or otherwise agreeable to the act of parliament." James Bowdoin cooperated with the Sons of Liberty in urging the inhabitants of the Manufactory House to resist eviction,[81] and such a clamor was raised that it was decided not to clear the building. General Gage finally had to secure whatever quarters he could in the town at the expense of

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80. C.E. Carter, Correspondence of General Gage, I, 202-5, Gage to Lord Hillsborough, October 31, 1768: "I soon found that the Council had put a construction upon the Mutiny Act for North America, which rendered it of no Effect ..." Also Ibid., I, 201, 205, October 10, 31, 1768.
81. In the Bowdoin and Temple Papers, II, 103, there is an undated letter from Samuel Adams to James Bowdoin. Adams wrote that he was including various depositions concerning the occupation of the Manufactory House and that he was "ready to serve the Cause in any way which you may think proper."

the crown.[82]

The absolute refusal of the Council to cooperate with the royal officials in quartering the two regiments evoked more bitter complaints from Governor Bernard. He wrote to Lord Hillsborough that royal authority was "entirely subdued", since "the Citadel, the Council", had "gone over to the popular party."[83] This turn of events was largely due to the efforts of James Bowdoin, whose "conspicuous" political talents were directed to the ends of the Adams-Otis faction. Bernard reiterated his plea for an appointed Council for he thought that "most assuredly" the government would "never recover itself" without this alteration in the charter.[84]

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82. Letters to the Ministry ..., 52, 56-62, 62-65, 66-68, 70-72, Sept. 9, 23, 24, 26, Oct. 1, 5, 6, 1768. Letters to the Right Honorable the Earl of Hillsborough from Governor Bernard, General Gage, and the Honorable His Majesty's Council For the Province of Massachusetts Bay, (Boston, 1769), 3-7. Barrington-Bernard Correspondence, 177-181, 183-185, Oct. 20, 1768, Feb. 12, 1769. T. Hutchinson. History, III, 149-155.
83. Letters to the Ministry ..., 62-5, Sept. 26, 1768. T. Hutchinson, History, III, 211. Hutchinson Correspondence, Mass. Archives, XXVI, 333, Dec. 8, 1768.
84. Letters to the Ministry, ..., 52, Sept. 9, 1768. Hillsborough wrote that "His Majesty ... feels with concern and Dissatisfaction, how greatly his Service is obstructed, and the Dignity and Spirit of his Government destroyed, by the unwarrantable and unjustifiable Behaviour of the Council upon many Occasions, and more especially with Respect to Quartering His Majesty's Troops ...", Letters to the Ministry ... 76, Dec. 24, 1768. See letter of Hillsborough to General Gage, December 24, 1768, C.E. Carter, ed. Correspondence of General Gage, II, 82 (continued)

News of the coming of the troops prompted the Boston radicals to another aggressive action. Governor Bernard refused to call a General Court so the Whigs decided to hold one in spite of him. Acting through the Boston town meeting,[85] they issued invitations to a general convention which was to meet on September 22. The avowed purposes of the meeting were to obtain "sound and wholesome advice" and to prevent "any sudden and unconnected measures" in this "dark and difficult season".[86] As planned the convention met and sat for a week despite the condemnation of Governor Bernard. The proceedings in themselves were unimportant but the manner of meeting and the purpose of the assembly were significant. Two messages to Bernard, a letter to agent De Berdt, and a series of resolutions were the extent of the convention's accomplishments. This assembly was but a part of a plan of the Massachusetts radicals to organize an extralegal

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Viscount Barrington declared that the Council "should no longer be Democraticaly elected; but, like all other Councils be appointed by the Crown. Any measures short of these seem to me trifling and dangerous". Barrington-Bernard Correspondence, 184, February 12, 1769.

85. John Mein referred to Boston town meetings as "those seditious herds of Fools and Knaves which assemble on all important occasions." Again he wrote "The town-meeting at Boston is the hot-bed of sedition. It is there that all their dangerous insurrections are engendered; it is there that the flame of discord and rebellion was first lighted up, and disseminated over all the provinces." Sagittarius's Letters, 84, 58.

86. T. Hutchinson, History, III, Appendix L.

government entirely independent of the royal Governor.[87] The plan of Sam Adams and James Otis to usurp control failed due to the moderation of a majority of the delegates.[88] A more successful phase of the revolutionary program in 1768 was the movement by which the Council established itself as a nearly independent agency of the people..

James Bowdoin led the Council in its new course of practical independence of Governor Bernard. Bernard said that the Councillors delighted in imitating the politicians of the house and performing for the populace. The Governor was angry when he found the minutes of the Council published for popular consumption in the newspapers.[89] Since he had previously pledged the Council to secrecy, Bernard immediately demanded an explanation. Bowdoin told him that the Council had authorized the

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87. T. Hutchinson, History, III, 149. "It must be allowed by all, that the proceedings of this meeting a Boston town meeting had a greater tendency towards a revolution in government, than any preceding measures in any of the colonies. The inhabitants of one town alone took upon them to convene an assembly from all the towns, which, in everything but in name, would be a house of representatives; which, by the charter, the governor had the sole authority of convening."
88. Bernard Papers, VII, 70-72, 239-249, Oct. 3, Dec. 23, 1768. See John C. Miller, "The Massachusetts Convention, 1678", New England Quarterly, VII, 445 ff.
89. Letters to the Ministry ..., 72-5, October 14, 1768. The Boston Gazette, August 1, 1768 had demanded that council proceedings be made public: "... Most sober men among us, think it a new and strange thing to be governed by half a score gentlemen - in this secret impenetrable manner, be they ever so good and worthy ..."

publication of the minutes "to quiet the Minds of the People" who would not tolerate secret sessions. Although Bernard sneered at a body which permitted the publication "of its most intimate councils", "to be canvassed by Tavern Politicians, and sensured by News Paper Libellers", Bowdoin asserted that they "could not submit to an Injunction of Secrecy."[90] With James Bowdoin at the helm, the Council became more and more a positive force in the decline of royal authority in Massachusetts.

In late 1768 the Council, acting independently of the Governor, drew up several petitions to English authorities. In the absence of the General Court, the Councillors asserted that they felt a necessity of representing the will of the people, especially "as there subsists no ground for confidence in the Governor"[91] On October 28, Bowdoin and several others prepared and delivered an address to General Gage, requesting the removal of the troops from Boston. Gage replied that he was acting under His Majesty's orders and could not comply with the request.[92]

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90. Letters to the Ministry ..., 72-5, October 14, 1768.
91. Bowdoin and Temple Papers, I, 118, October 27, 1768.
92. Letters to the Right Honorable Earl of Hillsborough ..., 66-69, October 28, 1768. Draft of council note in Bowdoin's hand is in Bowdoin and Temple Papers, I, 120. The original of Gage's messages is also there, I, 121. Both addresses appeared in the Boston Gazette October 31, 1768. Bernard denounced the council's action as a political move. "... Why ... do they make a Request that they know cannot be granted? In order by a fresh publication to keep up the People's Resentment against the Commissioners as being the Occasion of Troops coming here ..." Bernard Papers, VI, 153-155, October 30, 1768.

James Bowdoin also led the Council in letters to William Bollan, Parliament, the ministry, and King George himself.[93] While these petitions generally emphasized the economic inexpedience of the revenue measures, they also expressed the hope "that the Charter Rights and Privileges of the People of this Province, and their invaluable Liberties as British Subjects, may be secured to them ..." Bowdoin's drafts of the letters were sometimes too strong for his colleagues, and several were rejected. Yet the sentiments of the addresses in final form reveal his influence as a supporter of the popular cause.

The most important representation of James Bowdoin and the Council was the petition to Lord Hillsborough of April 1769. William Bollan had recently procured authentic copies of six of Bernard's letters to Hillsborough and had forwarded them to the Councillors.[94] These were the

93. Letters to the Right Honorable Earl of Hillsborough, 16-17, 23-43, 70-73. Bowdoin and Temple Papers, I, 118, 119, 122, 130, 132, 133. Bowdoin's draft of the petition to the King pleaded for the removal of Bernard since he had "discovered a Disposition to rule your People with an arbitrary hand", and his "Prejudices and representations" are "all unreasonable groundless and false, tending to mislead your Majesty's ministers ...", Ibid.,122. Thomas Hutchinson noted that both houses appointed committees to correspond with their respective agents during the periods of recess, and added that: "... Nothing could be more unconstitutional and unwarrantable." History, III, 229. Professor Leonard W. Labaree in his Royal Government in America, 158-9, makes a strong point of this independent action of the Massachusetts Council - regarding this as the most important case" of its kind in colonial history.

94. Letters to the Right Honorable Earl of Hillsborough, (Boston, 1769) Nov. 1, 5, 12, 14, 30, Dec. 5, 1768.

(continued)

Governor's accounts of the controversy over the quartering of the troops in Boston. The Councillors felt that Bernard's letters contained "many unjust Reflections" upon them and "divers Misrepresentations of their Conduct" so James Bowdoin drew up a long complaint to Hillsborough. This was prepared for publication along with Bernard's letters and other papers relating to the affair.[95] Bowdoin gave the popular version of the quarrel and declared that throughout the affair "the Conduct of the Governor was arbitrary, and unbecoming the Dignity of his Station." He concluded with a plea for the removal of Governor Bernard, asserting that "His Majesty's Service" could "not be carried on with Advantage during his Administration." This convinced the Governor that the future held nothing but grief for him if he stayed in Massachusetts, so he

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The original English copies of these Bernard letters are in the Bowdoin and Temple Papers, I, 125, 126, 128, 129, 131, 135. Letter of November 30, 1768, is printed in MHS Proc., VIII, 86-7. Bernard disgustedly wrote "we have just now learned that any one who will pay for them may have Copies of the Letters and Papers laid before the Parliament" Barrington-Bernard Correspondence, 200, April 12, 1769.

95. Letters to the Right Honorable Earl of Hillsborough, (Boston, 1769), 23-43. April 15, 1769. A manuscript draft of this letter is in the Bowdoin and Temple Papers, II, 17. Regarding the authorship Hutchinson attests: "This letter was no doubt, composed by Mr. Bowdoin, who had great influence in council, and who thought himself ill used by being named in one of the governor's letters, and pointed out in others." History, III, 165.

began planning an early departure.[96]

James Bowdoin wrote a personal letter to Hillsborough, as well, defending himself against the charges against him contained in one of Bernard's letters.[97] Bowdoin, who had "all along taken the Lead of the Council in their late extraordinary proceedings," accused the Governor of misrepresenting the Council's petition of July 1768 to the King. To support his accusation he quoted a private conversation of a few months earlier, when the Governor had revealed his interpretation of the petition. Bernard scoffed at Bowdoin's remarkable memory and said that what had passed on the occasion mentioned was "entirely in Joke." The Council was split on this question and the charge against the Governor came to nothing. Yet Bernard considered the affair important enough to devote the major part of a long letter to Hillsborough to it.[98] James Bowdoin disavowed the statement that he was the leader of the Council

96. Barrington-Bernard Correspondence, 200-201, April 12, 1769 "... This puts an End to all my Hopes of doing any good here and necessarily turns all my future views out of this Province. For it is impossible for a Governor who has been engaged in such Contests as I have been ... to think of staying in the Province, after his most confidential Letters are put in the Hands of the Faction and printed and dispersed among the People. ..."
97. Letters to the Right Honorable Earl of Hillsborough ..., 44-47, April 15, 1769. Two copies of this in Bowdoin and Temple Papers, II, 16, 17. One of them is the original draft with many corrections.
98. MHS Proc., VIII, 86-7, November 30, 1768.

since that body was guided only by "Law, Reason and the Constitution." It acknowledged no leader but also had no "Fondness for a Dictator, in which Character, my Lord, Governor Bernard for some Times past, has been endeavoring to establish himself."[99] Bowdoin's stock as a patriot rose immeasurably and his reputation as a Friend of Liberty increased also after this publicized quarrel. The Governor and the ministry realized that Bowdoin was a dangerous opponent in the Council, and Bernard resolved to prevent his sitting there after the next election.

In May, 1769, the General Court of Massachusetts was reconvened with a strong Whig majority. The despondent Governor also found the new Council distinctly to his displeasure for he negatived eleven men, more than he had ever vetoed before. Included in the list of ousted Councillors were James Bowdoin and William Brattle, "the chief Movers of the late Opposition to the King's Authority from the Council."[100] Both of these negatived men had received a unanimous vote and both noted this when they publically replied to the Governor.[101] Bowdoin spoke of his defeat

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99. Letters to Hillsborough ..., 44-7, April 15, 1769.
100. Acts and Resolves, XVIII, 371, Bernard also negatived Benjamin Greenleaf, Artemas Ward, Thomas Sanders, Jr., Joseph Gerrish, John Hancock, Joshua Henshaw, James Otis, Sr., Jerathmeel Bowers.
101. These were printed in the Boston Gazette, Supplement, June 5, 1769.

as a "Mark of Distinction." Since Bernard was such a careful "Judge and Rewarder of Merit," Bowdoin glibly argued that "Favors of this Sort" revealed his importance. He concluded "... your E[xcellenc]y's Censure is Praise, is an Honor to the Man who is the Subject of it, and the best evidence that he has done his Duty." James Bowdoin had indeed labored diligently in behalf of the people during the absence of the General Court, and the assembly's vote approving the activities of the Council was in part an expression of thanks to him.[102]

Neither house of the new General Court showed any disposition to cooperate with Governor Bernard. The House immediately demanded the removal of the troops whose presence it declared to be "inconsistent with the spirit of a free constitution and the very nature of government."[103] The Whigs drew up several resolutions on the state of the province, and also petitioned the King for the permanent removal of Governor Bernard even though it was known that he was going to England soon. In the upper chamber, the Council-

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102. "A Letter from London" in Boston Gazette, March 5, 1770, asserted: "The Publication of Bernard's Letters, etc. had been a Service to the American Cause. I am glad to find Mr. Bowdoin make so respectable a Figure. Hope he will always be animated by a Spirit of Liberty, and steadily oppose every Encroachment attempted to be made upon the common Rights of Mankind, whatever Resentments he may thereby expose himself to. The loss of a Place in the Council, upon that account for which he was excluded, instead of being a disgrace, will prove a lasting honor to him."

103. Mass. State Papers, 170.

lors voiced approval of the preceding Council and voted to prepare another long letter of defense to Hillsborough. Even though James Bowdoin no longer sat in the Council, Hutchinson said that he wrote the address to Hillsborough, "the governor's negative not having lessened the esteem of the Council" of him, "nor prevented their being frequently assisted by him."[104] Bernard permitted the General Court to continue meeting longer than usual, hoping to transact necessary business, but was able to accomplish nothing.

In the summer of 1769 Governor Bernard took leave of Massachusetts after nine weary years of tactless if faithful service. His position during the major portion of those years had been trying, and many a more capable man might have found the situation difficult.[105] It was his misfortune to be governor when Great Britain decided to impose a more restrictive colonial system upon colonists long since accustomed to practical home rule. The last five years of his administration particularly had seen the rise of a strong party of opposition in the House

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104. T. Hutchinson, History, III, 170. See also Hutchinson Correspondence, Mass. Archives, XXVI, 396, Oct. 27, 1769. T. Hutchinson, in a letter to Bernard, says in explanation of documents forwarded: "... What relates to the Co ncil is probably the Production of a Gentleman [probably Bowdoin] who was then of the Council ..."

105. Most of the Whigs preferred Bernard to Hutchinson or the Olivers. See John Adams's characterization of Bernard in Novanglus, (Boston, 1819), 17.

of Representatives and a correlative decline in his support from the advisory board or Council. When military assistance finally arrived in Boston, this merely heightened the antagonism in the province. As the chief royal agent in the colony, and a stubborn supporter of the prerogative, Governor Bernard labored vainly against the popular leaders. Toward the end of his administration he had lost not only the confidence but also the respect of the people, and on the day he departed there were many expressions of joy and relief.[106]

The latter part of 1769 was mainly concerned with the enforcement of the non-importation program; and this activity was attended with some difficulty in Massachusetts. Although the movement was originated by the merchants, it gradually came under the control of the radical politicians. A few of the Boston merchants refused to join and some who signed the agreement still imported goods from Great Britain. John Mein, the Tory printer of the Boston Chronicle, Elisha Hutchinson and Thomas Hutchinson, Jr., were the chief opponents of the non-importation scheme. The Sons of Liberty eventually forced the Hutchinson brothers into line, and

106. Boston Gazette, August 7, 1769: "The Union flag was displayed from Liberty Tree, where it was kept flying until Friday. Colors were also flung out from most of the vessels in the harbor, and from the tops of the houses in town. The bells were rung and cannon were incessantly fired until sunset. In the evening, there was a bonfire on Fort Hill, and another on the heights of Charlestown."

made life so dangerous for Mein that he left for England. Despite the entreaty of Lieutenant Governor Hutchinson, the Council refused to advise any spirited action against the extralegal enforcement of non-importation.[107] Sam Adams finally entrusted the coercive scheme to the American consumers, for, as the repeal of the Townshend Acts appeared imminent, many merchants were reluctant to continue the non-importation program.[108] James Bowdoin thought it remarkable that the coercive agreements had "continued so long, for besides the operation of interest, there were the underworking and lies of emissaries" (royal officials and prerogative men) to defeat the program.[109]

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107. Sparks MSS, X, "Papers Relating to New England," III, 64, Hutchinson to Hillsborough, January 24, 1770. Hutchinson referred to the meetings of the "men of trade" and commented: "... If the Council had been in Sentiment with me I think this assembly might have been prevented or soon dispersed."

108. Although the agreement was extended, the merchants became less and less interested in it. Bowdoin in late 1769 wrote to Pownall that "Lord Hillsborough's last circular letter has been as unsuccessful as his former, the declaration in it that Ministry would procure the repeal of the duties on paper, glass and colors, instead of causing a relaxation of the agreement for non-importation, has confirmed it." MHS Colls., 6th series, IX, r58, December 5, 1769. Boston Chronicle, February 5, 1770: "For some days before their last feeble effort, the principals of them [Whigs] were seen trotting from house to house to engage the master work-men, to suffer their journey-men and apprentices to attend at Faneuil Hall, so as to make what they called, a respectable appearance. Thus an assembly composed of such people, and of different mechanicks, who find it their interest to prescribe foreign commerce, because they can better dispose of the articles they make, at an extraordinary price, is to be called a meeting of the merchants, although every merchant of credit with a very few exceptions, was ashamed to show his fact at it."

109. Pubs., Col. Soc. Mass. XIX, 258.

In 1769 the new Grafton ministry signified its intention of urging the repeal of all the Townshend duties except the tax on tea. Although the British merchants did not act as concertedly as they had in 1766, it was their agitation which finally cuased the British retreat. The American efforts to restrict imports from England and to develop domestic manufactures were not without their effect, but were undoubtedly not as effective as the colonists claimed.[110] Lord Hillsborough and Lord North were the most prominent members of the cabinet, and they sought to repeal the objectionable measures and still maintain the authority and dignity of Parliament. Accordingly in 1770 all of the import duties on British manufactures were removed and only the tax on tea remained. The prospect of a partial repeal merely because they were economically harmful did not please the American radicals who would have been satisfied with nothing less than a total repudiation of Parliament's right to tax the colonies. In spite of the radicals' efforts to keep the spirit of

110. James Bowdoin wrote: "With regard to American manufactures, tho' the progress of them has not been so rapid as the warm sons of liberty has represented on the one hand, nor so small and diminutive as ministerial sycophants have represented on the other, I can assure you it has been considerable and is growing, and all you can do on your side of the water, except the restoring things to their old course, will but increase it." MHS Colls., 6th series, IX, 158, December 5, 1769.

opposition alive, however, most Americans were content to let well enough alone, and they refused to alarm themselves over abstract or hypothetical grievances.

During the Townshend controversy, the royal elements of the Massachusetts government suffered a severe decline, Governor Bernard, the principal guardian of the prerogatives of the crown, saw his power and influence rapidly disintegrate in the face of the radical opposition. The Council, which had been designed to assist the Governor in checking the House of Representatives, fell more and more under the influence of the radical leaders and the Boston mob. Despite the liberal use of the negative, Bernard found that he could not prevent the appearance of liberal sentiments in the Council. Under the capable leadership of James Bowdoin that body not only failed to assist the chief executive in several important instances, but also aggressively opposed him. Both Bernard and his successor, Thomas Hutchinson, found that the defection of the Council placed them in a disadvantageous position in their quarrels with the Sons of Liberty.[111] Although the Council was torn between its dependence upon the House and

111. Hutchinson wrote in January, 1770, of the desire of the customs commissioners to test the strength of government, and then commented: "... They did not consider the Constitution and that by the charter I can do nothing without the Council the major part of whom were against me ..." Hutchinson Correspondence, Mass. Archives, XXVI, 436, January 29, 1770. Again, shortly after, the Lieutenatn Governor asked: "... Under the Massachusetts Constitution what can a Governor do? If he refused his assent to Councellors because they are of this Principle he must have no

the Governor's negative, it sometimes acted independently of both the Governor and the lower house, and even anticipated some of the latter's revolutionary moves.

The years 1768 and 1769 represent a very definite turning point in the career of James Bowdoin. Previously his participation in politics had been casual, but now he came forth in a new and important capacity. Due to his efforts in the Massachusetts Council, Bowdoin was recognized by friend and foe as a capable political figure. Though he was eliminated from the Council by Bernard's negative in 1769, Bowdoin was not inactive on the political scene. His friends in the upper house called on him for assistance, and the leaders of the "Faction" in the assembly regarded him as a valuable colleague. Before long, James Bowdoin regained his former position, and carried on as a "Friend of Liberty" in still more important business.

Council at all for I dare say next Election there will not be seven Councellors Perhaps not one chose who are of a different Principle and yet there is nothing he can do without the Council ..." Mass. Archives, XXVI, 440, Feb., n.d., 1770. Again, "... I have only the shadow of Power without the Council and I have never been able to obtain their advice or Council to any proposal I have made for discountenancing the usurpation of the Government by the Town of Boston ..." Mass. Archives, XXV, 391, April 27, 1770.

CHAPTER VII

THE BOSTON MASSACRE AND REACTION

The presence of troops in Boston was extremely annoying to the Sons of Liberty, who regarded them as the symbol of British tyranny. While the purpose of the soldiers was to aid in the execution of the revenue acts, the patriots were trying to secure their repeal. Quite naturally the Bostonians hated and scorned the redcoats and bent all their efforts to drive them from the town. Although James Bowdoin and other Friends of Liberty cried that the troops "behaved with great insolence" and "committed many abuses upon the inhabitants,"[1] the soldiers were generally on their good behavior. Despite their discipline, there were infractions, and the prolonged stay in the town led inevitably to friction with the citizens. As Thomas Hutchinson wrote, instances of insolence and abuse multiplied and "there appeared a rooted enmity on both sides."[2]

The "Friends of Liberty" rejoiced at the departure of Governor Bernard and resolved to hasten the exit of the soldiers as well. Bowdoin declared that to permit the two regiments to remain in Boston and assist the customs officers could "serve no other purpose than to irritate and keep up the spirit of discontent."[3] And while the

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1. Bowdoin to William Bollan, March 27, 1770, MHS Colls. 6th series, IX, 167.
2. T. Hutchinson, History, III, 194.
3. MHS Colls., 6th series, IX, 159, December 5, 1769.

leaders argued against military occupation in the General Court, in the press, and in private letters, Sam Adams's friends among the lower class made life miserable for the soldiers. According to the plan of the patriot leaders, the lower elements of the population, easily goaded into action, picked quarrels with the redcoats and tried to provoke a crisis. That there was a definite scheme to get rid of the troops is shown by the testimony of John Adams:

> "Endeavors has been systematically pursued for many months, by certain busy characters, to excite quarrels, recounters, and combats .... between the inhabitants of the lower class and the soldiers, and at all risks to enkindle an immortal hatred between them."[4]

The tension created in this atmosphere of mutual distrust and resentment led to the regrettable incident of March 5, 1770, subsequently remembered by the inaccurate but patriotic title, the Boston Massacre. For several days there had been minor brawls in the streets and taverns between the lower elements of the population and the soldiers. Towards evening on March 5, as nearly as facts may be ascertained, a sentry before the Customs House on King Street was insulted and pelted with snowballs by a group of boys. The soldier sent for assistance and more townspeople gathered.

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4. J. Adams, Works, II, 229-230. Andrew Eliot wrote to Thomas Hollis, June 28, 1770: "... There had been such an animosity between the inhabitants and the soldiery some time before this tragedy, that I greatly feared the event. The people seemed determined to be rid of such troublesome inmates, as soon as possible, but were generally careful not to be the aggressors ...", M.H.S. Colls., 4th series, IV, 451.

Amidst the taunts and jeers, one soldier was struct and knocked down by a missile from the crowd. Immediately he fired at the citizens, and, with or without an order from the officer, the other soldiers followed suit. When the smoke had cleared, five Bostonians lay dead or dying and six more were wounded.[5]

The day after the massacre the Council met and unanimously advised Lieutenant Governor Hutchinson to remove the troops from Boston.[6] In this affair the Councillors responded timidly to the pressure of the enraged populace and the influence of Samuel Adams and James Bowdoin. Despite the fact that Bowdoin was not a member of the Council, he nevertheless exerted considerable influence there. A few weeks after the massacre, he even wrote an important letter of instruction to William Bollan, the Council's agent in England.[7] Hutchinson

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5. Conflicting versions of this affair appear as follows: A Short Narrative of the Horrid Massacre in Boston; Bowdoin to William Bollan, March 27, 1770, MHS Colls., 6th series, IX, 168; Sparks, MSS, X, "Papers Relating to New England," III, 70-1; Hutchinson Correspondence, Mass. Archives, XXVI, 452-5, March 12, 1770. Diary and Letters of John Rowe, March 5, 6, 1770. Frederic Kidder, History of the Boston Massacre, (Albany, 1870) gives all the eye witness material. Diary and Letters of Thomas Hutchinson, I, 79-80.
6. Council Records, XVI, 457-460. Hutchinson Correspondence, Mass. Archives, XXVI, 452-455, March, 1770.
7. MHS Colls., 6th series, IX, 169, March 27, 1770. Hutchinson Correspondence, Mass. Archives, XXVI, 470, April 9, 1770: "I will cover the copy of a letter sent by the Council to their Agent. It was drawn by Mr. Bowdoin tho' not of the Council without any act or order of Council and given by him to Mr. Erving his father-in-law and so offered for acceptance.

was constituted to advise and assist him in his duties as acting governor, and its cooperation with the radical leaders left him "absolutely alone" in the defense of the royal prerogative.[8] Confronted by the frenzied clamor of the people and the suggestion of the pliable Council, the Lieutenant Governor decided there was nothing to do but to send both regiments to Castle William.

The trial of the British soldiers accused of murder was postponed deliberately until Boston had cooled off somewhat. The soldiers were defended by John Adams and Josiah Quincy, two brilliant patriot lawyers who tried to keep hidden all incriminating evidence against the citizens. Despite the rabid accusations of the Sons of Liberty, Captain Preston was acquitted and only two minor punishments were meted out. The facts reviewed in the trial indicated that the Bostonians, rather than the troops, had been more responsible for the outburst of March 5, 1770.

Immediately after the "horrid massacre," the Boston town meeting authorized the preparation of "a full and just representation" of the incident. James Bowdoin, Joseph Warren and Samuel Pemberton were commissioned to draw up the Boston version of the massacre.[9] Bowdoin did the actual writing of the Short Narrative, a document which Peter Oliver found "crowded with the most notorious Falsities."[10] It was a significant tribute

8. T. Hutchinson, History, III, 198.
9. Boston Town Records, XVIII, 1770-1777, 13, 51.
10. P.O. Hutchinson, ed., Diary and Letters of Thomas Hutchinson, I, 25; P. Oliver: Origin and Progress of the American Rebellion, 127.

to Bowdoin's talents that he was permitted to write this important narrative. This affair also revealed the desire of the Boston radicals to make their activities seem as respectable as possible. James Bowdoin was a prominent citizen, and although sympathetic to the radicals' aim, not as notorious as Samuel Adams, James Otis, or John Hancock. Quite possibly the radicals flattered Bowdoin to keep him in line and induced him to commit himself so far that he could not turn back. The Sons of Liberty counted upon Bowdoin to defend the town against the representations of the royal officials, and they were not disappointed. The Short Narrative was a very capable and extremely prejudiced piece of propaganda.[11] It deserves special scrutiny in this study as an important indication of James Bowdoin's political views.

In addition to reporting the events of March 5, 1770, with a distinctly American bias, Bowdoin reviewed the

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11. A Short Narrative of the Horrid Massacre in Boston, Boston, 1770, Printed in F. Kidder: History of the Boston Massacre, Albany, 1870. Thomas Hutchinson wrote: "Prejudice never appeared stronger than in the narrative drawn up by Mr. Bowdoin. The whole design of it seems to have been to make the Commissioners obnoxious, meerly (sic) to support his son-in-law, Mr. Temple, one of them, who, engaged in a separate interest, flattering himself that if he could overthrow the Board, he should be restored to his place as Surveyor General," Diary and Letters, I, 25. John C. Miller, Sam Adams, 184, makes an undocumented statement to the effect that Adams and Bowdoin drew up the Short Narrative. I have found no other reference to Adams's part in this document, and Professor Miller has written me that he does not remember where he got the information.

causes of the dispute with Great Britain. This latter part of the Short Narrative is the most interesting and important portion of it. Bowdoin complained that Parliament had interrupted the "happy union" between the mother country and the colonies, by attempting to tax the Americans, and by creating the new customs board.[12] Responsibility for the "dreadful tragedy" of March 5 was placed directly on the Governor and the extremely "disgustful" customs commissioners. These officers had not only hampered commercial activity, but also had joined with Bernard "in his political schemes." Bowdoin further implied that these malicious officers had "contrived and executed plans for exciting disturbances and tumults; and when excited, to have transmitted to the ministry the most exaggerated accounts of them."[13] Since the Governor and the commissioners had requested military assistance, they were the "remote and blameable cause" of all the uneasiness and violence which had resulted thereafter.[14]

Bowdoin argued that the military occupation of Boston was a grievous insult to his Majesty's "faithful subjects" in Massachusetts. The quartering of the soldiers in illegal fashion and the abusive and insolent treatment of the citizens, convinced the Bostonians "that the troops were not sent ... for any benefit to the town or province."

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12. A Short Narrative of the Horrid Massacre in Boston, (Boston, 1770), 5.
13. Ibid.,6-7.
14. Ibid.,8.

Bowdoin declared that the conduct of the redcoats had "created universal uneasiness," and a review of their activities before March 5 revealed that they had "formed a combination to commit some outrage upon the inhabitants of the town indiscriminately."[15] The "horrid massacre" was the inevitable result of this deliberate provocation.

The British troops had left Boston of their own accord, but the Short Narrative declared that the citizens would have been justified had then compelled them to leave. Since the soldiers had violated the "law of nature," the forceful removal of them would have been "a measure justifiable in the sight of God and man." Bowdoin added that because of the violation of divine natural law the troops were traitors, and not to have resisted them was "a specie of treason against the constitution, and consequently treason against the King and all his subjects."[16] Bowdoin also invoked the "law of nature" to defend the opposition to the royal government in Massachusetts.

Bowdoin answered the royalists' cry that the province was in a state of rebellion with the assertion that opposition to enslavement was not unreasonable. He said that true government "has for its object the good of the governed" but Bernard's administration "tended to the establishment of a tyranny" over the colonists. Bowdoin added that "such

15. Ibid., 8-9, 16-17, 41.
16. Ibid., 41-2.

administration could not be called government," and "The sooner such government is at an end the better."[17] In this situation and "until the true ends of government" should be pursued, obedience could not be expected.

The Short Narrative offered a mild statement of John Locke's justification of rebellion, a theory also known to the Massachusetts colonists through another element of their heritage -- Calvinism.[18] In the effort to defend the American Revolution, Bowdoin and other patriots drew very heavily upon this theory. Bowdoin was not unaware of the source of such ideas, for his library contained not only copies of Locke, but also of such democratic theorists as Rousseau and Montesquieu. Bowdoin insisted in the Short Narrative that a divine natural law supersedes all human law, and that when the former is violated by a government, a people are not only permitted but compelled to resist that government. This justification of extralegal opposition to tyranny continued to be the moral basis of the American position, and a few years

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17. Ibid.,44-5.
18. George H. Sabine, A History of Political Theory (New York, 1937), 357, 362, "... In the fourteenth and fifteenth centuries reformers had claimed the right to resist an heretical pope. In the sixteenth century they had to claim the right to resist heretical kings, who now, rather than the pope, were laying waste the church... "
"The Calvinist churches, in Holland, Scotland, and America, were the chief medium through which the justification of resistance was spread through western Europe ... "

later was given immortal form in Jefferson's Declaration of Independence.

Although there was considerable talk of independence in Massachusetts at that time, Bowdoin made no reference to such a possibility in the Short Narrative. He intimated that Parliament was at fault in several enactments, but there is no specific repudiation of Parliamentary authority. King George was regarded as a benevolent monarch who had been flagrantly disserved by his officials in the colonies. Quite obviously, however, Bowdoin and the Boston Whigs could and did just as easily justify opposition to Parliament and the crown on the same ground that the governors and customs officers were opposed. The Massachusetts Spy began its fiery course in August, 1770, with the ominous declaration:

> "... Kings, when they descent to Tyranny,
> Dissolve the Bond, and leave the Subject free."[19]

James Bowdoin did not go that far in the Short Narrative but in other writings he did carry Locke's theory to its logical end. He regularly expressed the opinion, however, that the "real friends" of America and England hoped for a return to "the union and harmony" that had lately existed.[20]

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19. Massachusetts Spy, August 21, 1770. Thomas Hutchinson declared in February, 1770, "... The principle of Independence is increasing every day and it is openly said even in Council that no acts of Parliament bind any farther than they are constitutional and we are to judge which are constitutional and which not ..." Hutchinson Correspondence, Mass. Archives, XXVI, 440.
20. MHS Colls., 6th series, IX, 244, November 29, 1770.

In the election of 1770 the town of Boston selected James Bowdoin as one of its representatives in place of the erratic Otis. This was indicative of the esteem of the townspeople for his services in the recent events.[21] Bowdoin was not permitted to remain in the House for long, however, for he was elected to the Council once again. Hutchinson decided not to negative him for he felt that his influence would be more dangerous in the House than in the Council. In view of the Lieutenant Governor's statements that he was dependent upon the Council, and that the betrayal of the Council was due to the influence of James Bowdoin, his failure to negative Bowdoin seems strange. The explanation is that some of the Friends of Government believed that a free use of the veto would benefit the Whigs in the House, would add to the "bad spirit" throughout the province, and possibly would make a martyr out of Bowdoin. Also in the election of 1770 several new Councillors, "of every moderate principles," were chosen and Hutchinson felt that through these new

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Considerably later, in September 1774, Bowdoin still did not fabor independence. "... The Congress now holding at Philadelphia, ... it is earnestly wished may be the means of establishing, on a just and constitutional basis, a lasting harmony between Britain and the colonies ...", Bowdoin to Franklin, September 6, 1774, M.H.S. Proc., XIII, 153.

21. Reverend William Gordan wrote to Bowdoin, May 18, 1770: "Allow me to address you (though almost an entire stranger) from the regard I have entertained for you, on account of your steady attachment to the cause of liberty ...", MHS Proc., LXIII, 309.

members he would be able to counteract the Bowdoin clique.[22] Subsequent developments revealed that the Lieutenant Governor's attempts to undermine Bowdoin's power in the Council were not futile.

Hutchinson was not as insistent as Bernard that the Massachusetts Council should be appointed rather than elected. He did feel that the Charter gave

> "too great a share both of Legislative and executive power to the People to consist with the Interest of the parent state or the Welfare of the Colony itself ..."[23]

With this in mind Hutchinson suggested privately that the Massachusetts government could be improved by electing Councillors once in three years instead of every year.[24] Yet he believed that when the popular clamor had subsided, the Council would again support the royal prerogative. Even in colonies where the Council was appointed he noted that Councillors were sometimes intimidated by the Whigs.[25]

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22. Hutchinson Correspondence, Mass. Archives, XXVI, 482, 496, 500, May 11, June 1, June 8, 1770. Later in April of 1772 Hutchinson also wrote: "... It would be to no purpose to negative him [Bowdoin] for he would be chose into the House and do more mischief there than at the Board ...", Ibid.,XXVII, 314.
23. Ibid.,XXVII, 75, December n.d., 1770.
24. Ibid.,XXVII, 40, October 20, 1770.
25. T. Hutchinson, History, III, 232: "... From the year 1765, they [councillors] had abated of this firmness: the house from year to year had left those persons out of the council who caused an obstruction to their measures, and others more compliant had been chosen in their stead. But this was not the sole, nor the chief cause of the change of measures in council. If the house had made no change of members, yet the greatest part of the council would not have had firmness to

The trouble in America, Hutchinson declared, was not due to the form of government but rather to "a loose, false, and absurd notion of the nature of Government, which has been spread by artful and designing men."[26] To alter the constitution and thereby give the desperate radicals a tangible grievance, the Governor argued, would probably prove more detrimental than beneficial.[27]

Due to the Councillors' dependence upon both the Governor and the assembly, they necessarily vacillated with political tendencies in the Bay Colony. Reverend Andrew Eliot declared that the Council's conduct in "this precarious situation" was "fickle, uncertain, and inconsistent."[28] Although the Council wavered in the face of

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counteract the general voice of the people. The councillors appointed by the crown, in South Carolina, Virginia, and New York, favoured all popular measures, as much as the councillors in Massachusetts Bay, annually elected by the assembly." The same point was made by the opponents of the Massachusetts Government Act of 1774 in the House of Lords. See Journals of the House of Lords, XXXIV, 183, May 11, 1774. John Adams, Novanglus, (Boston, 1819), 51: "Our council, all along however did as much as any council could have done. Was the mandamus council at New York able to do more, to influence the people to a submission to the Stamp Act? Was the chair, the board, the septennial house, with the assistance of General Gage and his troops, able to do more, in that city, than our branches did in this province? Not one iota ..."

26. Hutchinson Correspondence, Mass. Archives, XXVII, 98, January 22, 1770.
27. Ibid., XXVII, 88, December 26, 1770; T. Hutchinson, History, III, 232-3.
28. Andrew Eliot to Thomas Hollis, January 29, 1769, MHS Colls., 4th series, IV,438.

public opinion and the influence of the House it still was a factor of considerable importance in Massachusetts politics. The desertion of the Board at crucial times proved quite embarassing to both Bernard and Hutchinson who were reluctant to act without the advice and consent of this body. Not only did the Council fail to advise and assist the governors, but, under Bowdoin's direction, it also assumed a positive position of opposition at times.

As Whig fortunes generally declined in the quiet period, 1770-1773, Hutchinson's prediction that the upper chamber would regain its conservative nature came true. At the same time radical influence in the House of Representatives diminished. Through the continued understanding and cooperation of James Bowdoin and Samuel Adams, however, the Governor found himself faced by a solid front in the General Court when the dispute was again revived.

With the removal of the soldiers from Boston and the repeal of the Townshend duties, the Massachusetts radicals found it increasingly difficult to keep the party of opposition alive. The majority of Americans welcomed the return of more normal relations with the mother country. Although many conservatives had opposed the new British colonial policy, they could not countenance the extremes of the Massachusetts patriots. Rev. Mather Byles expressed his abhorrence of revolutionary excesses in this significant comment:

> "They call me a brainless Tory; but tell me ... which is better, to be ruled by one tyrant three thousand miles away, or by three thousand tyrants not a mile away?" [29]

The radical party in the House of Representatives continually dwindled in size in this period, 1770 to 1773, despite the frantic exhortations of Sam Adams. He was able to prevent the transaction of business at Cambridge temporarily, but in October, 1770, the House voted to proceed as usual. The Whig party was badly split when some patriots deserted Adams and followed the more moderate leadership of John Hancock and Thomas Cushing.[30] By the summer of 1772, Adams's control of the House slipped so badly that the House asked Hutchinson to return the General Court to Boston, on the grounds of inconvenience, rather than as a matter of right.[31] Lord North's conciliatory policy promised to drive the radicals into complete bankruptcy.

While Adams's power was declining in the House, the "democratical" spirit, which had of late been so evident in the Council, also subsided. For a time after the

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29. A.W.H. Eaton, The Famous Mather Byles, 1707-1788, 146-7.
30. John Adams, Works, II, 266, 278, 301, 306; T. Hutchinson, History, III, 243-4, 248-9, 250-1; Hutchinson Correspondence, Mass. Archives, XXVII, 180-1, 258, 286, June 5, December 1, 1771, January 29, 1772; Andrew Oliver Letter Book (Gay Transcript), II, 82-4, May 8, 1772; See J.C. Miller, Sam Adams, 247-251 and R.V. Harlow, Samuel Adams, 165-7.
31. Journal of the House of Representatives, June 13, 1772. Hutchinson Correspondence, Mass. Archives, XXVII, 342-3, June 15, 1772.

massacre James Bowdoin commanded considerable strength in the Council, but gradually his influence waned. Hutchinson wrote that Bowdoin was "without a rival in the Council," and that "by the good understanding and reciprocal communication between him and Mr. Samuel Adams, the measures of council and house harmonized also ..."[32] And he complained that "By the constitution of the Government I can do little or nothing authoritatively without the council ..."[33] Largely due to the influence of Bowdoin, sharp words passed between the Lieutenant Governor and the upper house, early in the controversy over meeting at Cambridge.[34] Hutchinson disgustedly replied to the Council:

> "... I despair of prevailing with you to concur in sentiment with me. I am convinced that any further arguments will only tend to increase the breaches which I should think myself happy to be able to repair."[35]

By the fall of 1770, however, a majority of the Council were willing to cooperate with the Lieutenant Governor.[36]

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32. T. Hutchinson, History, III, 210-211.
33. Hutchinson Correspondence, Mass. Archives, XXVI, 495, May 26, 1770.
34. Mass. State Papers, 197-8, 223-228, 229-233, 237-240, March 20, 21, June 12, 15, 19, 25, 1770.
35. Court Records, XVIII, 266-268, June 21, 1770.
36. Hutchinson Correspondence, Mass. Archives, XXVI, 523, July 26, 1770: "... The Council would go to business but the House unanimously voted this afternoon that it is not expedient ..." Also Mass. Archives, XXVI, 524, 530-1, 532, 543, 547, July 26, 27, August 4, 5, 28, September 2, 1770; XXVII, 9, September 28, 30, 1770.

In 1771 Bowdoin could not prevent the Council from congratulating Hutchinson on his appointment as Governor, and the next year Bowdoin's motion not to return the court to Boston was defeated.[37] There were hardly any Whigs left in the Council and both John Erving and William Brattle, who had been prominent members of the opposition, now supported Hutchinson.[38] Although Bowdoin persistently opposed the prerogative party, he was no longer able to dominate the Council.

The Governor still hoped to wean Bowdoin away from the Whigs, and for that reason did not negative his election to the Council in 1771 and 1772. A most interesting letter of Hutchinson in May 1772 testifies to his failure

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37. Council Records, XVI, 640, June 13, 1772; T. Hutchinson, History, III, 250-1. Hutchinson earlier referred to Bowdoin's opposition to a return to Boston. "... The same motion [made by Hancock in the House] was made in Council but opposed by Mr. Bowdoin who is and has been the principal supporter of the opposition to Government ..." Hutchinson Correspondence, Mass. Archives, XXVII, 314, April, n.3., 1772.

38. Hutchinson Correspondence, Mass. Archives, XXVI, 530-1, August 4, 1770: "In this trial in Council we separated Erving from Bowdoin the latter went of [sic] in great wrath and declared he would not come to Cambridge again. The former I think must see the folly of his grandson's projects and that they tend to his own destruction as well as the distress of the Government. I hope to make a good use of this disunion and to break the connexion which the House have forced the Council to maintain with them ..." Also, XXVI, 506, 532, June 17, August 5, 1770. Diary and Letters of Thomas Hutchinson, I, 29.

in this purpose, and to Bowdoin's continued support of Adams in the House:

> "Of the two men you mentioned, one [Hancock] on the Common and the other [Bowdoin] near it, I have found the first pliable, and have made great use of him, and expect to make more. The other is envious, and with dark secret plottings endeavors to distress government; and although I am upon terms of civility with him, yet, when the faction in the House have any point to carry, they are sure of his support in Council, and he is obstinate as a mule. I do not find the advice that his son-in-law is like to be provided for in England has any effect upon him. If I see any chance for bringing him over, and making him a friend of government, I will try it. In the meantime I will bear his opposition, as I have done for several years past."[39]

In late 1770, Bowdoin and the Council annoyed Hutchinson by using Secretary Andrew Oliver rather roughly. At the Lieutenant Governor's request, Oliver had drawn up an account of the Boston Massacre, with particular reference to the proceedings of the Council. The most damning portion of the secretary's deposition was the declaration that various Councillors in their debates had acknowledged the existence of a preconceived plan to drive the British troops from Boston. When this narrative was made public, the Whigs immediately denounced it as a malicious and false document. James Bowdoin took a leading part in the persecution of Oliver, for the Secretary's deposition "destroyed

39. To James Gambier, May 7, 1772, in Wm. V. Wells, Life and Public Services of Samuel Adams, I, 467.

the credit of his Bowdoin's Narrative."[40] Hutchinson's influence in the Council was weakened temporarily, and that body accepted a long resolution of censure written by Bowdoin.[41] The latter asserted that Oliver's conduct was "not only a breach of trust in him, and injurious to the character and honor of the Council, but is destructive of all freedom of speech and debate ..." Bowdoin angrily referred to the Secretary as "a spy" and "informer," and asked if his action would not "be subversive of every principle which distinguishes a free government from despotism? ..." Hutchinson thought that this highhanded treatment of Oliver would "operate more strongly to procure an alteration in the constitution of the Council than anything they have ever before done ..."[42] The next spring the King's letter approving the Secretary's conduct was entered upon the Council Records, but the Councillors insisted that the letter could have no relation to the proceedings of the Council.[43] In the fall of 1771

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40. Hutchinson Correspondence, Mass. Archives, XXVII, 45, 48, October 20, 30, 1770. T. Hutchinson, History, III, 232.
41. Mass. State Papers, 264-273, October 24, 1770. Hutchinson Correspondence, Mass. Archives, XXVII, 5, 9, 45, September 20, 30, October 30, 1770. M.H.S. Colls., 6th series, IX, 216-217, October 22, 1770. Oliver Letter Book, I, 162-4, 166-9, November 3, 6, 1770.
42. M.H.S. Colls., 6th series, IX, 219, 239, November 2, 17, 1770.
43. Court Records, XVIII, April 26, 1771. Hutchinson Correspondence, Mass. Archives, XXVII, 141, 158, April n.d., 1771.

Governor Hutchinson laid a newspaper article, which declared Oliver to be "a perjured traitor," before the Board. Despite the opposition of Bowdoin, the Council upheld the Secretary and denounced the abusive piece as "false, groundless, and malicious."[44]

Although the Council supported the Governor quite consistently it continued to act independently of him in some instances. Governor Bernard had protested vigorously against separate meetings of the Council during recesses of the General Court, and in July, 1770, a royal instruction censured the Councillors for this procedure. The King's message was copied into the Council Records but still the Council appointed a committee to correspond with William Bollan in England while the assembly was not in session.[45] This committee was controlled by Bowdoin, and it worked with a similar group of the House led by Samuel Adams. The Council Committee wrote a long letter to Bollan, refuting the charge that the Board had acted unconstitutionally.[46] Authorship of this letter is uncertain, but the sentiment expressed indicated that it was either written or influenced

44. Council Records, XVI, 591, October 24, 1771. Boston Gazette, October 28, 1771, Mass. Spy, November 7, 1771. Oliver Letter Book, II, 47-49, 52-56, October 15, 25, November 1, 1771.
45. Council Records, XVI, 578-580, July 18, 1770. A. Oliver to F. Bernard, July 20, 1770, Oliver Letter Book, II, 80-2.
46. M.H.S. Colls., 6th series, IX, 224-232, December n.d, 1770.

strongly by Bowdoin. A distinction was made between the executive and legislative functions of the Council in the independent meetings. The letter asserted that the Board never sat as a "Council of State" without the Governor's assent, and now the committee were acting in the legislative capacity of the Council. Once before in their legislative capacity, with Governor Bernard's consent, the Councillors had met alone to conclude some unfinished business. Of this the letter said:

> "... We do not see any crime in this, nor even in our meeting together, when the Governor hath laid a charge against the Council, even without his summons or presence ..."

Hutchinson considered these independent meetings to be dangerous and irregular, and declared that "no Committee ought to subsist after the Court is prorogued, and such proceedings ought in some way or other to be animadverted upon."[47] Even though this revolutionary practice of the Council continued in 1771 and 1772, it did not hinder Hutchinson much because the Councillors, except for Bowdoin and a few others, sympathized very largely with the prerogative faction.[48]

In this relatively quiet period, the Whigs frantically searched for issues to keep their faction together. They harped upon the principle involved in the dispute and

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47. Hutchinson Correspondence, Mass. Archives, XXVII, 73, 93, December 16, 1770, January 8, 1771.
48. Ibid., XXVII, 151, 153, 156, April 6, 29, 1771.

reviewed in lurid detail the earlier instances of British tyranny. But Lord North's conciliatory policy had cut the ground from under the Whigs' feet, and no new grievance revived their hopes. At no time during the quarrel with the mother country were the patriots reduced to such a weak position as in this period. In this situation the leaders feverishly grasped every opportunity to bolster their case, and often quibbled over very trivial matters.

The Massachusetts radicals protested vigorously against government by ministerial instruction. Ever since the dissolution of the General Court in 1768 by Hillsborough's order, the patriots had expressed mild resentment. Now that "Adams and company" were destitute of grievances, the dispute over ministerial "mandates" assumed major importance. Pursuant to orders from the ministry, the General Court was removed to Cambridge, the Massachusetts guard at Castle William was replaced by royal troops, and a civil list was created. Immediately the Boston patriots cried that the charter had been vacated. James Bowdoin asked significantly:

> "... of what avail are constitutions founded either on common law, charters, or acts of Parliament, or all of them together, if a Governor will suffer a letter from a minister of state to supercede them? ..."[49]

Bowdoin agreed with Samuel Adams that the meeting of

49. M.H.S. Colls., 6th series, IV, 235, November 12, 1770.

the General Court at Cambridge by ministerial instruction was "an infringement upon one of the rights of the charter." In an official letter to the Council's agent, he contended that the charter vested the Governor with

> "the whole power of convening, proroguing, and dissolving the said Court without any references to instructions from the Crown whatever; and not only without such references, but in terms whereby the Crown has given up all pretentions to a right of giving such instructions."[50]

This is indeed a revolutionary statement. Although Americans had previously questioned Parliament's control of the colonies, they had regularly expressed their fidelity to King George. Now Bowdoin and the radicals in theory, had cut this bond of authority also, and the idea of a complete separation from Great Britain was but a short logical step further in the same direction.

James Bowdoin protested similarly when Hutchinson replaced the colonial garrison at Castle William with royal troops, pursuant to a ministerial order. The Lieutenant Governor quietly and quickly effected this change while the assembly was not sitting. He acquainted the Council with his instructions but did not request advice or authorization for the act. James Bowdoin could not prevent the transfer of troops at the Castle, nor could he prevent the removal of provincial supplies from the fort.[51] The Whigs

50. MHS Colls., 6th series, IX, 167, March 27, 1770.
51. T. Hutchinson, Diary and Letters, I, 28-29.

immediately condemned Hutchinson's act as unconstitutional, and Bowdoin asserted that "The Charter, as affairs are now managed, is an inoperative as it would be if vacated."[52] According to Bowdoin and Sam Adams, the royal governor was the chief civil and military authority in Massachusetts, and no external authority might legally intrude.[53]

During the same period, the ministry determined to make royal officials independent of colonial assemblies. Consequently Governor Hutchinson, Lieutenant Governor Oliver, and the judges in Massachusetts were granted permanent salaries from the revenue collected in America. This was a blow well calculated to arouse the ire of the patriots, and in this quiet time the creation of a civil list was a remarkably indiscreet action. The House hastily voted the customary salaries to these officers, but they disdainfully rejected the assembly's offer. James Bowdoin argued that the new method of supporting royal officials was a violation of the colony's charter, and "a just ground for uneasiness." He felt that this was but a part of a larger plan "to make the government exterior in its principle, and to destroy all political liberty ,.."[54]

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52. M.H.S. Colls., 6th series, IX, 218, October 22, 1770.
53. Ibid., 218, 235, October 22, November 12, 1770. Bowdoin to Pownall, October 22, "... But the charter ought constitutionally to subject General Gage with all the Kings troops, while within the Province, to the command of the Governor of the province ..."
54. M.H.S. Colls., 6th series, IX, 246, 298, 301, December 3, 1770, October 24, November 2, 1772.

While most of the Massachusetts politicians were willing to ignore principles and accept the proferred olive branch, Bowdoin remained adamant to the end. He insisted that the British administrative system was "a system founded on venality and corruption, and whose end, at least whose tendency, is despotism."[55] Bowdoin believed that because of Massachusetts' zealous endeavors "in the great cause of American liberty," the province had been singled out as "the principal object of ministerial resentment."[56] He made no distinction between the responsibility of the ministry, parliament or even the crown in this subversive program. Although Bowdoin hoped for a restoration of harmony between Great Britain and the colonies, he thought that this could be assured only by leaving Americans "in full possession" of their "rights."[57] The aim of the Massachusetts revolutionists was self-government, either within or without the British Empire. While James Bowdoin preferred the first alternative, he realized that a continuation of the current ministerial system would "infallibly" lay a foundation for "the separation of the colonies from Britain."[58]

Throughout the controversy over ministerial instructions, James Bowdoin was inclose contact with the radicals

55. Ibid., 6th series, IX, 294, September 2, 1772.
56. Ibid., 6th series, IX, 248, January 2, 1771.
57. Ibid., 6th series, IX, 277, November 5, 1771.
58. Ibid., 6th series, IX, 300, November 2, 1772.

in the House of Representatives. He often met with Samuel Adams and his supporters and apparently planned part of their campaign against the prerogative party. After the guard at the Castle had been changed, the Whigs in the assembly tried to pin Hutchinson down by asking him if he still commanded the garrison. The Lieutenant Governor evaded the issue in an unsatisfactory answer to the House, and wrote disgustedly to a friend:

> "... Mr. Bowdoin, tho' of the Council yet is with the Leaders of the Faction in the House and Town in many of their Consultations and Intrigues and I have no doubt is at the bottom of this."[59]

The conservative tide in Massachusetts did not recede until 1773, and only then were the patriots able to make any headway against Governor Hutchinson. Due to the lack of fresh grievances and because of the disunity in the Whig faction, the Governor and his friends easily dominated both houses of the General Court. The prerogative party was so successful, however, that Hancock and Cushing became alarmed and made up their differences with Sam Adams.[60] This reconciliation amongst the leaders

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59. Hutchinson Correspondence, Mass. Archives, XXVII, 37, October 20, 1770.
60. Samuel Adams, in December 1772, spoke of the unanimity in the patriot ranks. A letter to James Warren sought to refute Tory rumors of dissension amongst the Whigs. "...There has been no Dissension among the friends of the Cause here. 'None' between my Brother Otis and myself ... Mr. Cushing has frequently met with the Committee, and appears to be hearty in forwarding the Measure." MHS Colls., LXXII, 15, December 9, 1772. See T. Hutchinson, History, III, 256.

was the signal for a general Whig revival. Both in the House and in the Council, where Bowdoin remained firm, the opposition party steadily gained strength. When the dispute with the mother country flared up again in 1773, Governor Hutchinson found to his dismay that the radical faction was stronger and better organized than at any previous time.

During the lean years, 1771-1772, the Massachusetts radicals were very active despite their loss of strength. The "chief incendiary," fanatical Samuel Adams, organized a remarkable communication system known as the Committees of Correspondence. Through this agency and the public newspapers the revolutionary doctrine was popularized, and the party of opposition was kept alive. Basing their demand first on the Massachusetts charter and then on natural law, the patriots insisted upon the right of self-government. It was rumored amongst the loyalists that one of the radical propagandists in the Massachusetts Spy was James Bowdoin, but I have been unable to detect positively evidence of his work there.[61]

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61. Wm. V. Wells, Life and Public Services of Samuel Adams, I, 474, quotes a letter of Hutchinson to Francis Bernard, May 29, 1772: "... One [Bowdoin] that I have accepted for two or three years past I wished to be rid of, but I would have had him in the House, and I do n't know which would be the worst. It has been suspected here that he is the author of some of the most virulent pieces in the Spy. He certainly prevented the Council from committing the printer when they were generally disposed to do it. I much doubt whether the late favors shown to one of his family in England will have any good effect upon him ..."

The patriots were so open in their denial of Parliamentary authority that Thomas Hutchinson finally felt obligated to make a strong statement of the British opinion. The Governor had long thought that it was best to avoid conflicts on principle, but in January of 1773 he decided that wishful passivity was no longer the expedient policy.[62] Hutchinson hoped to counteract the growing organization of the radicals in the province, and he drafted a strong message to the General Court.[63] With admirable clarity the Governor pointed out the weakness of the American argument in the light of English constitutional development and historical precedent. He insisted that Parliament was the supreme lawmaking body in the British empire, and that colonial assemblies might only pass legislation which did not conflict with English law.

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62. Some people in Britain denounced Hutchinson for engaging in this quarrel. Franklin wrote to Thomas Cushing, May 6, 1773: "If he [T.H.] intended, by reviving that Dispute, to recommend himself here, he has greatly missed his Aim; for the Administration are chagrin'd with his Officiousness their Intention having been to let all Contention subside, and by degrees suffer Matters to return to the old channel ..." A.H. Smyth, Writings of Benjamin Franklin, VI, 48-49. See also State Papers (Gay Transcripts, M.H.S.) XIII, 68-9, 75-7, December 22, 1772, April 10, 1773 and Correspondence of Gage, II, 640, April 7, 1773.
63. Mass. State Papers, 336-342, January 6, 1773. The Speeches of His Excellency Governor Hutchinson to the General Assembly of the Mass. Bay. At a Session begun and held on the Sixth of January, 1773. With the Answers of His Majesty's Council and House of Representatives, Boston, 1773.

> "... I know of no line that can be drawn between the supreme authority of Parliament and the total independence of the colonies: it is impossible there should be two independent Legislatures in one and the same state; for, although there may be but one head, the King, yet the two Legislative bodies will make two governments as distinct as the Kingdoms of England and Scotland before the union ..."

Both houses of the General Court accepted the challenge and returned spirited answers to Hutchinson's address; that of the Council being the production of James Bowdoin.[64]

These answers represented "the utmost effort of Bowdoin's genius in one House and Adams's in the other." The Governor regarded this and subsequent messages of the Council "no less erroneous" but more "wrong-headed" than those of the House.[65] James Bowdoin declared in the Council's address that the uneasiness of Americans was the result of Parliament's unconstitutional efforts to tax them. Bowdoin carefully refuted Hutchinson's claim that

64. Mass. State Papers, 342-365, January 25, 26, 1773. Two drafts of the Council message, entirely in Bowdoin's hand, are in the Bowdoin and Temple Papers, II, 123. Other members of the Council committee were H. Gray, J. Otis, and S. Hall. The House message has been termed "the most elaborate state paper of the revolutionary controversy in Massachusetts" John Adams, Works, II, 310-311. T. Hutchinson, History, III, 266-277. Hutchinson Correspondence, Mass. Archives, XXVII, 444, 448, 456, 462, 465, 476, Feb. 1, 19, 23, March 7, 10, April 7, 1773. Israel Williams Papers, Mass. Hist. Soc., II, 171, April 7, 1773. Andrew Oliver Letter Book, II, 111-113. January 20, 1773. Sanuel Cooper to Thomas Pownall, March 25, 1773, Am. Hist. Rev., VIII, 327.

65. Hutchinson Correspondence, Mass. Archives, XXVII, 456 February 23, 1773. Israel Williams Papers, II, 171, April 7, 1773.

there was no middle ground between the supreme authority of Parliament and independence of the colonies.

> "... If no such line can be drawn, a denial of that authority, in any instance whatever, implies and amounts to a declaration of total independence. But if supreme authority includes unlimited authority, the subjects of it are emphatically slaves; and equally so, whether residing in the colonies, or Great Britain."

Bowdoin maintained that unlimited power belongs only "to the Sovereign of the universe" and that all earthly government must necessarily be limited. Governor Hutchinson had tried to confound the Whigs with the suggestion that any delegation of authority is an abridgement of so-called "natural rights," and that therefore the colonists' objection was against the "state" of government rather than the "form" of it. Bowdoin agreed with Hutchinson's original premise but continued that representative government was necessary for the preservation of the most important "natural rights" -- that is, "Life, liberty, property, and the disposal of that property, with our own consent." From this he concluded that, because of its vital service in securing these rights, representation is itself a "natural" right. Since the Americans could not be "duly represented" in Parliament, the latter's authority did not "extend ... to the levying of taxes, in any form, on his Majesty's subjects in this province." Bowdoin finally assured the Governor that independence was not contemplated

and that the Councillors hoped to see a happy union again established between Great Britain and the colonies.

This controversy over the authority of Parliament brought forth no new ideas, but merely clear restatements of the opposing views. The Council messages were fully as strong as those of the House of Representatives and they indicate clearly the cooperation of James Bowdoin and Samuel Adams. Hutchinson's analysis of the constitutional problem was logical and historically correct, but it failed to stop the growth of radicalism in Massachusetts. By 1773 the persistent radical propaganda had its effect, and many Americans were convinced that the British ministry aimed at the actual destruction of colonial self-government. The revolutionary philosophy, which demanded local autonomy as a "natural right," offered moral assurance, regardless of historical precedent.

The Massachusetts radicals had long considered Thomas Hutchinson the most dangerous enemy of American liberty and they regarded his eviction as a necessary step in their campaign. In 1773 Adams and Bowdoin saw a chance to take some of the wind out of the Governor's sails, and they made the most of the opportunity. In some unexplained way a number of private letters, written a few years before by Hutchinson and Andrew Oliver to Thomas Whately, fell into the hands of Benjamin Franklin, the House's agent in England. Franklin forwarded them to James Bowdoin, Thomas Cushing,

John and Samuel Adams, Charles Chauncey, and Samuel Cooper. These letters naturally expressed the conservative point of view, but they were not nearly as incriminating as the radicals made them out to be. "Adams and company" asserted that they now had positive proof that Hutchinson and Oliver had urged the enactment of the colonial revenue laws, which were the basis of all America's misfortune.[66] Although Franklin had stipulated that no copies be made of the letters, the Whigs brazenly proceeded to publish them and to distribute hundreds of copies throughout the province.[67] Hutchinson noted angrily that the radicals resorted to a barefaced stratagem similar to that which Bowdoin had used earlier to justify the printing of restricted documents -- that is, they did not publish the originals, but duplicates

66. Bowdoin draft of message to Lord Dartmouth, June 29, 1773, M.H.S. Colls., 6th series, IX, 303: "... It is now manifest, my Lord, what practices and arts have been used to mislead administration, both in the first proposal of American Revenue Acts and in the continuance of them ..." Samuel Adams wrote to Arthur Lee, June 14, 1773: "I think there is now a full discovery of a combination of persons who have been the principal movers, in all the disturbance, misery and bloodshed, which has befallen this unhappy country. The friends of our great men are much chagrined." Writings, III, 41. See also Ibid., III, 44, June 21, 1773. Boston Gazette, June 21, 1773: "... The detestable enterprise [exaction of revenue] was concerted and promoted through the diabolical machinations of certain covert and malicious incendiaries among ourselves ..." Ibid., June 28, July 19, 1773.

67. Copies of letters sent to Great Britain by Thomas Hutchinson and Andrew Oliver ..., Boston, 1773.

which "chanced" to come into their possession.[68] It mattered little that the letters contained nothing which the Governor had not said publicly many times, for many people accepted the artful misrepresentations of Sam Adams and others at face value.[69] Both houses of the Massachusetts General Court found sufficient excuse in this affair to urge the removal of both Hutchinson and Oliver, -- the House in a petition to the King, and the Council in a long series of resolutions.[70] Bowdoin also summarized the protests of the radicals in an address of the General Court to Lord Dartmouth.[71]

James Bowdoin and Sam Adams directed this attack upon the Governor in their respective branches of the legis-

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68. Andrew Oliver noted that Bowdoin had earlier argued that printing from the original was not copying. Letter Book, II, 139-141, August 9, 1773, Hutchinson Correspondence, Mass. Archives, XXVII, 512-13, July 10, 1773.
69. Samuel Cooper to Benjamin Franklin, June 14, 1773, A.H. Smyth, Writings of Benjamin Franklin, VI, 57-59.
70. Court Records, XXX, 101-121, June 15-25, 1773. Journal of the House of Representatives, June 2, 9, 15, 16, 1773. The main sources of information on this quarrel are Hutchinson Correspondence, Mass. Archives, XXVII, June-August 1773 (many references); Andrew Oliver Letter Book, II, 131-134, 139-141, June 1, 3, August 9, 1773; Diary and Letters of Thomas Hutchinson, I, 81-2; Israel Williams Papers, II, 171 July 20, 1773; Writings of Samuel Adams, III, 39-41, 44-45, May 17, June 14, 21, 1773. T. Hutchinson, History, III, 287-295.
71. Court Records, XXX, 89, 96-7, June 28, 29, 1773. Mass. State Papers, 398-400, June 29, 1773. Copy from Bowdoin's rough draft in Bowdoin and Temple Papers, II, 126, (Printed in M.H.S. Colls., 6s, IX, 302-305.)

lature.[72] Hutchinson disgustedly noted that the lengths of the Board were "more extravagant" and "more injurious than those of the House.[73] Bowdoin drew up the Council resolutions which asserted that "the exaggerations and the misrepresentations" of the letters in question had brought the King's displeasure upon the province, had caused the military occupation of Boston, had prevented a redress of grievances, and had served "to alienate the mutual affection and dissolve the union which ought always to subsist between Great Britain and her colonies." Consequently, motivated by "duty and loyalty to the King, affection to the Mother Country, and regard for this Province," the Council requested the withdrawal of both Hutchinson and Oliver.[74] The Governor furiously denounced this proceeding as "most inexcusable"

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72. Hutchinson Correspondence, Mass. Archives, XXVII, 522, August, n.d., 1773: The patriots "persuaded the members of the Council and House, Mr. B_____n being the leader of the one and Mr. A__ms of the other, that a combination had been formed to overthrow the Constitutions of the Colonies and that there was sufficient ground for an address to remove the Governor and Lieutenant Governor." Ibid., XXVII, 526, August 2, 1773. Israel Williams Papers, II, 171, July 20, 1773: "...Bowdoin at the Council and Adams in the House have certainly shown themselves very adroit, but it will be a reproach upon the body of the people to the latest posterity that they have suffered themselves to be made such dupes, especially after a publick declaration in the House that all that was intended was to raise a general clamour against the G. and L.G. and then they should be sure of their removal." (Hutchinson).
73. Hutchinson Correspondence, Mass. Archives, XXVII, 502-3, 507, June, n.d., July 3, 1773.
74. Court Records, XXX, 101-121, June 15-25, 1773.

and cried that the Councillors had "lost all sense of their being his Majesty's Council."[75] Subsequent developments in Massachusetts bore out well this latter contention.

Benjamin Franklin never explained fully how he obtained the Hutchinson-Oliver letters, or who his accomplice was. The Governor and his friends did their best to discover the "insidious wretch" who had been "base enough to pimp for the Party ...", but all their efforts were futile.[76] It was assumed, both in England and America, that John Temple, Bowdoin's son-in-law, was the person who actually procured these documents.[77] Temple was known to have examined some of Thomas Whately's correspondence, and he was accused publicly of having supplied Franklin with the letters in question. Both Franklin and Temple denied this, but the accusations continued, and Temple finally charged William Whately, the brother of the deceased, to a duel.[78] The

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75. Hutchinson Correspondence, Mass. Archives, XXVII, 512, July 10, 1773.
76. Andrew Oliver Letter Book, II, 131-4, 139-141, June 1, August 9, 1773.
77. Diary and Letters of Thomas Hutchinson, I, 82 ff. A. Oliver Letter Book, II, 131-4, 134, June 1, 3, 1770. Hutchinson Correspondence, Mass. Archives, XXVII, 564, 565, October 27, 1770. William Whately to A. Oliver, March 19, 1774, M.H.S. Proc., LVIII, 89-91. British Museum, Egerton MSS, 2659, Lib. of Cong. Transcripts, 71-3, 89, December 9, 10, 1773, February 2, 1774.
78. Bowdoin and Temple Papers, I, 149-150. Temple Prime, Some Account of the Temple Family (N.Y. 1887), 62-85 A Faithful Account of the Transaction relating to a late Affair of Honour between J. Temple and W. Whately, containing a particular History of that unhappy quarrel (London 1774). John Adams, Works, II, 319. C.F. Adams decided that Temple was guilty. Robert C. Winthrop stated definitely that Temple procured the letters. See note to Charles Deane, March 1, 1878, Temple and Bowdoin Family Papers, XXVa, 77.

ministry was so sure of Temple's guilt that he was dismissed from his official position. Some years later John Temple admitted to John Adams that he had secured these useful letters.[79] It was rumored in Boston that James Bowdoin had been the recipient of these documents, and that he hoped for some advancement for himself or his family in a political shakeup in Massachusetts.[80] This suggestion was partly wrong, but it did contain some truth. The Hutchinson-Oliver letters were sent to Speaker Thomas Cushing rather than to Bowdoin, but the latter did seek the removal of Hutchinson and Oliver, who seemed to have the choicest "political plums" in Massachusetts in their possession. Considering John Temple's hatred for Thomas Hutchinson, his association with Thomas Whately, and his close connection with James Bowdoin, it was not illogical that he should have aided the Whigs in this affair.

The Massachusetts radicals realized that unless they could lay hands on a concrete issue, the uneasiness of the

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79. Diary and Letters of T. Hutchinson, I, 93. J. Almon. Anecdotes of Eminent Persons, (1797), III, 247. Hutchinson noted that in his interview with the king in 1774, it was plainly asserted that Temple was the man in question. M.H.S. Proc., XV, 327-8.

80. Hutchinson Correspondence, Mass. Archives, XXVII, 540, September 7, 1773: "It is said by some the Letters were sent to Mr. Bowdoin. There is no evidence of it. He was the principal promoter of the Resolves in the C. and it has been suggested has some expectation for one of his family if not for himself in a change in the Government ..." See also Ibid., XXVII, 546, September 28, 1773.

people, so carefully cultivated in barren ground, would disappear into thin air. Once again the British government came to the rescue, -- this time with the East India Act of May, 1773.[81] This law retained the regular import duty on tea, and innocently sought to alleviate the financial distress of the East India Company, by permitting it to sell its large surplus of tea directly to the colonists. Regular tea merchants had to buy their supply at the company auctions and consequently would be undersold in the colonies under these disadvantageous conditions. In itself, the Tea Act was most inoffensive, for now good Bohea was to be available in America at a cheaper price even than tea smuggled from Holland. The only persons directly affected by the measure were the American tea merchants, whose business was now taken over by agents of the East India Company. The colonial merchants, however, took no concerted action for redress, and the opposition to the Tea Act was directed by Sam Adams and the radicals on political grounds.[82]

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81. 13 George III. Several letters of Franklin to Thomas Cushing discuss the distress of the East India Company, A.H. Smyth, Writings of Benjamin Franklin, II, 1-4, 12-13, January 5, February 14, 1773.
82. See conflicting treatment of this problem in R.V. Harlow, Samuel Adams and A.M. Schlesinger, Colonial Merchants and the American Revolution, 1763-1776, 273-283; A.M. Schlesinger, "The Uprising against the East India Company," Political Science Quarterly, XXXII, 60-79. T. Hutchinson, History, III, 303: "...The body of the people were pleased with the prospect of drinking tea at less expense than ever. The only apparent discontent was among the importers of tea, as well those who had been legal importers from England, as others who had illegally imported from Holland; and the complaint was

Bowdoin and the Boston radicals immediately raised the cry that the new act was a serious threat to American liberties, -- an insidiously tempting bait offered by the wily ministry.[83] Was this not the ominous preliminary to Parliamentary enactments even more destructive of American liberty?[84] Bowdoin could not conceive of a more dangerous exercise of power than such a grant of monopoly coupled with the imposition of "a duty that has no limitation but the will of the imposer and the inability of the imposee." He asked "Is it not an abuse of language to call the exercise of such a power government, and the subjection to it liberty?"[85] One Whig writer declared that "The baneful chests contain in them a slow poison, in a political as well as physical sense. They contain something worse than death -- the seeds of slavery ..."[86]

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against the East India company for monopolizing a branch of commerce which had been beneficial to a great number of particular merchants ..."

83. This American claim that this law was intended to tempt the Americans to yield on principle was a false assertion, because the colonists had been paying the same revenue before the passage of the Tea Act. T. Hutchinson, History, III, 303: "... The three penny duty had been paid the last two years without any stir, and some of the great friends to liberty had been importers of tea ..."

84. Boston Gazette, Nov. 8, 1773: "...Whenever the Tea is swallowed and pretty well digested, we shall have new duties imposed on other articles of commerce; they too will be vended by another set of factors. These engines and tools of government, these vultures who feed on the vitals of liberty, will multiply and increase in every city and village throughout the Continent ..." Ibid., October 25, November 1, 1773.

85. M.H.S. Colls., 6th series, IX, 329, December 15, 1773.

86. Boston Evening Post, November 8, 1773.

In this situation Bowdoin urged that the Americans could either "receive the tea and infallibly be slaves; or reject it and stand a chance for freedom."[87]

When the East India tea arrived in Boston harbor, the Whigs refused to permit it to be landed and the "tribute" paid.[88] A stalemate resulted when Governor Hutchinson would not let the ships depart with their detestable cargo without clearance papers. Evidence has been presented to show that this crisis was deliberately provoked by the radical leaders, who hoped to make the British either retreat in principle or to use force against Boston.[89] A vessel might remain in port for twenty days without payment of customs duties, but after that period the ship or the cargo was liable to seizure by the collector and sale at auction. During these twenty days, groups of Sam Adams's stalwarts kept careful watch, to prevent a single ounce of the "pernicious weed" from being brought ashore. As this period

87. M.H.S. Colls., 6th series, IX, 329-330, December 13, 1773.
88. Francis S. Drake, Tea Leaves: being a Collection of Letters and Documents relating to the shipment of Tea to the American Colonies in the year 1773, by the East India Tea Company (Boston, 1884). This collection contains all of the official documents as well as exerpts from the newspapers and private correspondence. See also "Documents drawn from the papers of Richard Clarke, one of the consignees of the tea sent to Boston in November and December, 1773," Pubs., Colonial Society of Massachusetts, VIII, 78-89. B.B. Thacher, Traits of the Tea Party (N.Y., 1835).
89. John C. Miller, Sam Adams, 288-290. Ralph V. Harlow, Samuel Adams, 24-26; See T. Hutchinson, History, III, 305-309.

of grace drew to a close, and since it was evident that Hutchinson would not allow the vessels to leave with their cargo, the radicals decided that their only course was to destroy the tea. The result was the famous Tea Party of December 16, 1773. The Governor knew that troops would have to be employed to secure the tea, and there were regulars and marines at his disposal, -- but the Charter explicitly stated that the Governor could not exercise martial law without the advice and consent of the Council. The latter had emphatically refused such advice and Hutchinson declined to act on his own initiative and thereby incur further resentment.[90] As a consequence the "Mohawks" dumped three hundred forty two chests of the East India Company's tea into Boston harbor without any opposition.

James Bowdoin was aware of the radicals' intention of destroying the East India tea, and probably he was one of

90. Acts and Resolves, I, 1-20. T. Hutchinson, History, III, "...The tea could have been secured in the town in no other way than by landing marines from the men of war, or bringing to town the regiment which was at the castle, to remove the guards from the ships, and to take their places. This would have brought on a greater convulsion than there was any danger of in 1770, and it would not have been possible, when two regiments were forced out of town, for so small a body of troops to have kept possession of the town. Such a measure the governor had no reason to suppose would have been approved of in England ..." Hutchinson to Earl of Dartmouth, March 21, 1774, State Papers (Gay Transcripts, M.H.S.), XIII, 98. [John Mein], Sagittarius's Letters, 19.

the active protagonists of the scheme. Through his efforts the Councillors rebuffed the Governor's request for troops in peremptory fashion, and "By their replies it would seem that they rather rejoiced in the opposition formed by the faction ..."[91] A few days before the tea party Bowdoin wrote to Thomas Pownall that the consignees were trying to prevent the tea from being sent back, "which prevention it is greatly to be feared will be the means of the destruction of it."[92] One recent writer has intimated that James Bowdoin may have actually participated in the tea party, but my research has failed to corroborate this suggestion.[93]

As Governor Hutchinson endeavored to enforce the Tea Act, he sorely felt the desertion of the Council. At the outset Bowdoin told him that it would be better to reship the tea back to England rather than "to suppress the motions of the people," so the Governor expected little help from the Council.[94] Toward the end of November, 1773, as the arrival of the tea ships was expected hourly, the people

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91. Ibid., 16-17. Hutchinson Correspondence, Mass. Archives, XXVII, 609, January 2, 1774.
92. M.H.S. Colls., 6th series, IX, 329, December 13, 1773.
93. George P. Anderson, "A Note on Ebenezer Mackintosh" Pubs. Col. Soc. Mass., XXVI, 353.
94. T. Hutchinson, History, III, 305-6: "... A man [Bowdoin] of the most influence among them had said to him [Hutchinson], that he was of opinion, instead of any attempts to suppress the motion of the people, it was more advisable to recommend to the consignees to reship the tea to England. He had no expectation of being able to protect the persons of the consignees, or the property under their care ...".

grew more restive and threatened violence. Hutchinson felt powerless to restrain the Sons of Liberty, so he asked the Councillors what measures they would advise for the recovery of "the power of government." He also placed before them the petition of the tea consignees, asking leave to resign their trust. After several days of debate, the Council refused absolutely to offer the Governor any assistance and forcefully expressed its fear of the economic and political implications of the Tea Act.[95]

James Bowdoin reported the sense of the Council in this matter and his statements amply confirmed Hutchinson's worst apprehensions. Bowdoin had prepared an analysis of the dispute before the Councillors met, and he offered to read it to them. The Governor protested that this was "irregular" and that "it would make an ill precedent," but a committee quickly adopted Bowdoin's paper as its report.[96] Herein was stated the radical view of the Tea Act, and another general review of the larger constitutional issue. Unless Americans have "an exclusive right of taxing themselves" Bowdoin said, "their condition would be but little better than slavery." Economically the new act would be "intro-

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95. Council Records, XVI, 741-9, November 19, 23, 27, 29, 1773. Printed from Bowdoin's draft in M.H.S. Colls., 6th series, IX, 323-6. Hutchinson later declared that the "exceptionable" conduct of the Council during the tea controversy convinced the ministry that it was necessary to change the Massachusetts Charter. British Museum, Egerton MSS, 2659, Library of Congress Transcripts, 709-712, July 6, 1774.

96. T. Hutchinson, History, III, 307. Other Committee members were John Winthrop, Samuel Danforth, and Samuel Dexter.

ductive of monoplies", and hence would entail "extensive evils." Bowdoin also stated the abhorrence of the colony of the projected civil list which also "operated in diminution of its charter rights." After having presented his general ideas, Bowdoin then took up the petition of the tea consignees. He declared that the Council was unauthorized to relieve the agents of their merchandise and therefore it refused to assume responsibility for the tea. Then followed the emphatic passage which convinced the Governor that he could expect no assistance or sympathy from this quarter:

> "... With respect to the prayer of the petition 'that measures may be directed to, for the landing and securing the tea', the Board would observe on it that the duty on the tea becomes payable, and must be paid or secured to be paid on its being landed. And should they direct or advise to any measure for landing it, they would of course advise to a measure for procuring the payment of the duty, and therefore be advising to a measure inconsistent with the declared sentiment of both Houses in the last winter session of the General Court, which they apprehend to be altogether inexpedient and improper."[97]

James Bowdoin's paper must be regarded as a most important revolutionary document, for it influenced Hutchinson not to oppose the radicals' plan to destroy the East India tea.

This Council report attracted special notice in England -- particularly the portion which denied Parliament's right to tax the colonies. Lord Dartmouth specifically instructed

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97. Council Records, XVI, 744-9, November 29, 1773. M.H.S. Colls., 6s, IX, 323-326.

General Gage, the new Governor of Massachusetts, to negative the responsible Councillors if any should be reelected in 1774.

> "There are ... some amongst those who constitute the present Council there, upon whose Attachment to the Constitution no Reliance cane be had in any case where the Sovereignty of the King in His Parliament is in question, and his Majesty thinks it essential to the support of that Sovereignty, that the principal of those who insisted upon the Report of the Committee of the Council on the Twenty seventh day of September last [should be November], in which Report that Sovereignty is questioned, at a time when the execution of the Laws was openly opposed by force and violence, should not have Seats at the Council Board; It is therefore His Majesty's Pleasure that if those Persons, or any of them, shall be chosen at the next general Election, you do put your Negative upon such Election."[98]

After the destruction of the tea, the Governor felt that he must make a show of authority, so he asked the Council for its advice. As he expected, he got no satisfaction. Some of the Councillors expressed their approbation of the violence, and the only action they would advise was that the Attorney-General "make diligent inquiry into the offense afforesaid in order to discover the offenders and that he lay his discoveries before the Grand Jury ... for prosecution."[99] This was an empty and almost sarcastic suggestion, for, although the names of many of the "Mohawks" were well known, the royal peace officers were

98. C.E. Carter, Correspondence of Gage, II, 158-162, April 9, 1774. See also I, 555-6, May 30, 1774.
99. Council Records, XVI, 749, December 21, 1773 (printed in Pubs., Col. Soc. of Mass. VIII, 297n), Boston Gazette, December 27, 1773.

treated with rank contempt.

The Council's desertion of the Governor as this crucial stage in the quarrel with England was a matter of no small consequence; it must be viewed in the light of the tea party's role in bringing on the American Revolution. Hutchinson felt that if the Council had actively supported him, he might have opposed the Boston radicals more successfully. He expressly asserted: "... If I had the aid which I think the Council might give, my endeavours would be more effectual ..."[100] But to his dismay Hutchinson noted that, following Bowdoin's direction, the Councillors actually approved "the professed end of the people" and asked the Governor not to execute the law.[101] Considering the fact that the House of Representatives was not in session during the crisis of November-December, 1773, and that the Council's statement to the Governor also expressed the view of the House, Bowdoin's message assumes greater significance. With both the Boston Town Meeting and the Council officially on record in opposition to the Tea Act, Hutchinson stood practically alone with the hapless tea agents.[102] Consequently

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100. Hutchinson Correspondence, Mass. Archives, XXVII, 570, November 15, 1773.
101. T. Hutchinson, History, III, 306-7. [John Mein], Sagittarius's Letters, 16-17.
102. Hutchinson was denounced by some as nerveless for his failure to act on his own initiative for the protection of the tea. Diary and Letters of Thomas Hutchinson, I, 194: "... in this speech he [Thomas Pownall] declared that when he was Governor of the Massachusetts he never made any scruple of acting without the Council in civil as well as military matters of Government --

the radicals were able to engineer the tea party with little trouble, and thereby maneuver the town of Boston into a position from which it would be difficult to retreat.[103]

The years 1770 to 1773 were very vital ones in the political career of James Bowdoin. His abilities in political dispute were clearly recognized and respected both in America and England after his part in the Townshend controversy -- particularly his quarrel with Governor Bernard, which had necessitated a publicized letter of personal defense to Lord Hillsborough. Following Bowdoin's contribution to the eviction of the unpopular Bernard, the Boston radicals entrusted him with the defense of the town after the renowned massacre of March 5, 1770. Throughout the ensuing years he remained firm in principle beside Samuel Adams, when a number of more famous patriots deserted

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implying blame on me for declining to act in the affair of tea without the advice of the Council." Admiral Montagu wrote to the Secretary to the Admiralty, December 14, 1773 from Boston: "... during the whole of this transaction neither the Governor, magistrates, owners or the revenue officers of this place ever called for my assistance; if they had, I could easily have prevented the execution of this plan, but must have endangered the lives of many innocent people, by firing upon the town." Historical Manuscript Commission, Eleventh Report, Appendix, Part V, 344.

103. Diary and Letters of Thomas Hutchinson, I, 139, March 31, 1774: "If we have not passed the Rubicon this winter, we never shall ..."

the "chief incendiary." In 1771 and 1772 James Otis, John Hancock, and Thomas Cushing, forsook Adams and cooperated with Hutchinson, but Bowdoin consistently remained in opposition to the Governor. There is no evidence to indicate that Bowdoin engaged in any of the patriot demonstrations, but he often met with the radicals, and, if one believes Hutchinson, actually formulated some of their policies.

James Bowdoin's utterances, in private letters and in Council papers, reveal that he did not advocate or desire separation from Great Britain; yet he believed Americans must go to that length if necessary to preserve their liberties. He was firmly convinced that acceptance of the British conception of unlimited Parliamentary authority meant disaster for the colonists. When the Sons of Liberty protested against the revenue measures as violations of charter rights and "natural law," Bowdoin heartily added his force to the demand for autonomy in taxation matters. He still hoped for a reconciliation with Great Britain, but declared that resistence was preferable to abject submission to tyranny. In any event, he said, Americans "deserve to be free, and will have this consolation, that they are not slaves with their own consent."[104]

104. M.H.S. Colls., 6th series, IX, 330, December 13, 1773.

CHAPTER VIII

COERCION AND REVOLUTION

The Boston Whigs gleefully congratulated themselves after the successful destruction of the East India tea. James Warren of Plymouth declared, I "... Have for some time thought it necessary that the People should strike some bold stroke, and try the Issue ..."[1] Bowdoin and the Council urged their agent, William Bollan, to defend the action of the people on the ground that "these proceedings of theirs were no assumption of government, but flowed from the great law of nature, self-preservation."[2] The Sons of Liberty had deliberately flung a challenge in the face of the ministry, and consequently they suffered no feelings of shame or guilt after the tea party.[3]

But what would Great Britain do? According to the old aphorism, he who dances must pay the fiddler, and it was too much to expect that the mother country would continue to humor her rebellious colonies after the tea party. There had developed in England a common revulsion against conciliating America, and a belief that the retreats of

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1. M.H.S. Colls., LXXII, 23, January 23, 1774.
2. Ibid., 6th series, IX, 333, December 20, 1773.
3. Mass. Spy, June 16, 1774: "The Tea was sent here for the wicked purpose of enslaving the colonies, and the people were under the necessity of destroying it to prevent the evils which were intended by our enemies, therefore it was a just act of self-defence ..."

1766 and 1770 were grievous mistakes.[4] The Sons of Liberty anticipated a forceful reaction and they spent several months eagerly awaiting the intention of the ministry.

While the Boston radicals waited for news from England they resumed the offensive against the projected colonial civil list. This was always a tender spot with the Americans, and as James Bowdoin commented: "The dependence of the Justices of the Superior Court on the Crown for their support has given universal uneasiness."[5] One pamphleteer fearfully asked:

> "Have they not already engaged your Governor and now aim to render your judges independent upon you? And if the ministry shall think it necessary for their base purpose, may we not expect the Council and all executive courts will be made independent also?"[6]

Early in 1774 Bowdoin and Adams made a spectacular effort to prevent the judges of the Superior Court from accepting royal salaries instead of the customary grants by the Massachusetts assembly. Four of the judges quickly acceded to the demands of the Whigs, but Chief Justice Peter Oliver obstinately refused.[7] Then there followed a vicious attack

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4. W.E. Lecky, The American Revolution, 164: "Popular opinion in England, which had supported the repeal of the Stamp Act, and had acquiesced in the repeal of the greater part of Townshend's Act, was now opposed to further concession. England, it was said, had sufficiently humiliated herself ..."
5. M.H.S. Colls., 6th series, IX, 366, March 30, 1774.
6. Anonymous, The American Alarm (Boston, 1773), 10-11.
7. T. Hutchinson, History, III, 317. Diary and Letters of Thomas Hutchinson, I, 138-140. Journal of the House of Representatives, February 7, 1774.

on Oliver as the patriots tried to secure his removal from office.

The House of Representatives drew up a message, addressed to the Governor and the Council, complaining against the Chief Justice's conduct, and they requested that he be removed from his official position.[8] When Hutchinson declined to ask the advice of the Council, the Representatives urged that his failure to consult the Council in so important an affair was a violation of the charter. The Governor answered that the charter authorized him to convene the Board at his discretion, and that he did not think it proper to ask their advice "upon a point which ought not to be brought into debate."[9]

Then the radicals in the House voted to impeach the chief justice, and they called upon the Governor and the Council, who they considered to be the legally constituted authorities in such a case, to sit in judgment of him.[10] It mattered little that the Massachusetts charter made no provision whatsoever for impeachment, or that the Council was authorized to sit as a court of justice in just two quite different instances.[11] John Adams admitted that there was no precedent of impeachment in Massachusetts history,

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8. Journal of House of Representatives, February 11, 1774.
9. Ibid., February 15, 16, 21, 22, 1774.
10. Ibid., February 24, 26, 1774.
11. These two types of cases were those of divorce and appeals from inferior judges of courts of probate.

but declared there were many in English history.

> "...'But whence can we pretend to derive such a power?' From our charter, which gives us in words as express, as clear, and as strong as the language affords, all the rights and privileges of Englishmen; and if the House of Commons in England is the grand inquest of the nation, the House of Representatives is the grand inquest of this Province, and the Council must have the powers of judicature of the House of Lords in Great Britain ..."[12]

Some of the radicals feared that the Council was "too precarious a body" to be entrusted with this important power, but, in view of the English practice, it was the logical agency for this judicial function.

Sam Adams and James Bowdoin realized they were creating a precedent, and they thought it would be wise to have the journals bear the record that the chief justice had been impeached, before the Governor and Council. Since the Governor would not sit with the Council in this affair, and since the latter's meetings were thereby illegal, the radicals resorted to the following stratagem. When Adams, chairman of a House committee, reported the assembly's resolution of impeachment, he addressed the Council in this form: "May it please your Excellency and the honourable council." Then Bowdoin interrupted him and observed that the Governor was not present.

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12. John Adams, Works, II, 326-332. Robert Treat Paine Papers, M.H.S., III, 37: an undated paper defends the authority of the House and the Council to impeach and try officers appointed by the Governor and Council. The Mass. Spy, March 3, 1774 declared: "... This must certainly be a monster in politics, to constitute officers independent and irresponsible to the power from whence they derive their political existence ..."

Thereupon Adams remarked that the Governor was "presumed" to be present and he continued with the report.[13]

The Council formally acquainted the Governor with the impeachment and asked him to name the time and to be present at the trial.[14] Hutchinson rather impatiently reminded the Councillors of the constitutional limitations on their authority, and refused to sanction their meeting for this purpose.[15] James Bowdoin wrote the Council's long reply to the Governor's message, upholding the Board's assumption of a new judicial power.[16]

Bowdoin asserted that the Governor's statements tended "to take away or lessen the jurisdiction of the Governor and Council, considered as a judiciary body or Court of Justice." For these officers "have always been esteemed the proper judicature before whom officers appointed by them have been triable for crimes or misdemeanors." Although the records and papers of the General Court had

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13. Journal of House of Representatives, February 26, 1774. T. Hutchinson, History, III, 320. The Governor asserted that Bowdoin and Adams acted "no doubt by concert." Regarding the presence of the Governor he wrote: "... This was certainly a very idle presumption. It gave pretence, however, for Mr. Adams to report to the house, afterwards to enter upon the journals, that the committee had impeached the chief justice before the governor and council, and prayed that they would assign a time for hearing and determining thereon."
14. Court Records, XXX, 212, February 28, 1774.
15. Ibid., 225-227, March 3, 1774.
16. Ibid., 233-241, March 7, 1774. Printed in M.H.S. Colls., 6th series, IX, 342-353.

"greatly suffered by fire," "if precedents should be necessary, the most respectable authority (the British Parliament), ... furnished a multitude of them ..." Bowdoin claimed for the Massachusetts House of Representation the same impeaching authority which the House of Commons possessed in England. The resemblance between the Council and the House of Lords, he admitted, was not as great, "but with respect to legislation, and so far as the Council with or without the Governor are a judiciary body, there is a resemblance ..." Bowdoin concluded the message with a declaration of the Council's readiness to proceed with the trial of Chief Justice Oliver, asserting:

> "that a denial of the right of complaining or remonstrating against, and impeaching for, mal-administration of office, and a refusal to hear and determine on such complaint, remonstrance, or impeachment, are unconstitutional, will have an unhappy tendency to encourage the executive officers of the government to deviations from their duty, and are incompatible with the safety and happiness of the people."

Governor Hutchinson ended the impeachment scheme by proroguing the General Court, for he was convinced that the House and Council were determined to proceed despite his opposition and absence from Council sessions. Although Peter Oliver continued as chief justice of the superior court of Massachusetts, the radicals had practically elimin-

ated him, for juries refused to sit and act while he remained in office.[17] Thus Adams and Bowdoin defeated the ministerial attempt to make the judges independent of the Massachusetts legislature and brought the superior court directly under the control of the Sons of Liberty.

The radicals revealed most clearly that they wished to establish a completely autonomous government in Massachusetts. For several years they had insisted that the position of the House of Representatives was analagous to that of the House of Commons in England. Also the Council had overstepped the bounds of the charter by acting independent of the Governor in the interest of the province. The effort to oust Peter Oliver saw a novel assumption of power by both the House and Council.[18] Governor Hutchinson rightly complained that the Sons of Liberty had set up a government under a new constitution -- one which recognized no external authority whatever.

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17. T. Hutchinson, History, III, 326. John Adams, Works, II, 332. Correspondence of General Gage, I, 365-368. August 27, 1774. Robert Treat Paine Papers, III, 46. John Adams to Paine, April 9, 1774. Oliver lamented that "Adams and all his Factious Hydra" were so threatening that he dared not attend his brother's funeral. Origin and Progress of The American Rebellion, 160-1.
18. This treatment of the Oliver impeachment is quite significantly at odds with the interpretation of John C. Miller in Sam Adams, 298-299: "At the same time that British statesmen watched colonial Whigs pulling up Parliamentary jurisdiction root and branch, Hutchinson exclaimed that Sam Adams was stripping the governor and Council of Massachusetts of all authority and setting up a new constitution by the 'grossest falsities and misrepresentations'..." Professor Miller misconstrues Hutchinson's statement and also the facts, for the radicals, including Sam Adams, were assuming greater power

Interest in the impeachment of Oliver lagged when news of British punitive measures arrived. Word was received that Parliament had decided to close the port of Boston to all traffic, until the townspeople made suitable compensation to the East India Company. Soon it was learned that Parliament had also altered the Massachusetts charter and the administration of justice in the colony. To enforce these coercive acts, General Thomas Gage replaced Thomas Hutchinson as Governor of the province. The radicals had expected to be punished, but the British acts exceeded their expectations, and also aroused the sympathies of many people throughout the thirteen colonies.

Most of America's friends in England were lost after the Boston tea party, for many who were sympathetic to the colonial cause refused to sanction such an overt action of rebellion. Although William Pitt thought that the coercive measures were too severe, he nevertheless wrote:

> "... The violence committed upon the tea cargo is certainly criminal; nor would it be real kindness to the Americans to adopt their passions and wild pretensions, where they manifestly violate the most indispensable ties of civil society. Boston, therefore, appears to me to owe reparation

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for the Council rather than detracting from its authority. A more complete quote from Hutchinson is as follows: "... The two last Messages of the Council and House set up an intirely new Constitution, so far as respects the Governor and Council. Their reasoning is founded upon the grossest falsitiesand misrepresentations ..." Diary and Letters, I, 139-140.

for such a destruction of the property of the East India Company ..."[19]

King George voiced the attitude of most Britains when he wrote: "... we must either master them or totally leave them to themselves and treat them as aliens ..."[20] The British were firmly convinced that it was necessary to make the rebellious colonies submit to parliamentary authority.[21] After that, possibly, the power of taxation might not be exercised, but the complete supremacy of Parliamant throughout the British empire must be maintained or the empire would dissolve.

Lord North proposed that as punishment for their tea party, the Bostonians be made to pay the East India Company £15,000. Until the town complied, the harbor was to be closed and the customs officials were to reside in Salem.[22]

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19. Correspondence of the Earl of Chatham, IV, 336-7, March 20, 1774.
20. W.B. Donne, Corresp. of King George the Third with Lord North, I, 216, November 19, 1774. G.O. Trevelyan, The American Revolution, I, 164, writes that "the constant theme" of British newspapers was that "... The men of Massachusetts were sly and turbulent, puritans and scoundrels, pugnacious ruffians and arrant cowards ..."
21. Correspondence of the Earl of Chatham, IV, 339, April 27, 1774: Lord Mansfield denounced the tea party as "the last overt-act of high treason, proceeding from over lenity and want of fore-sight ..." John Wesley, A Calm Address to Our American Colonies (London, 1775), 4: "... Nothing can be more plain, than that the supreme power in England has a legal right of laying any tax upon them for any end beneficial to the whole empire."
22. 14 George III, c.19, March 31, 1774 (Macdonald, Select Charters, No. 68.). William Knox names John Pownall as the man responsible for the Port Bill in 1774, Margaret M. Spector, The American Department of the British Government 1768-1782, 138.

This harsh measure was regarded by some Englishmen and most Americans as too severe; Pitt wrote: ..."By blocking up the harbour of Boston, you have involved the innocent trader in the same punishment with the guilty profligates who destroyed your merchandize"...[23] Even Thomas Hutchinson commented: "...I never suggested to the ministry any measure whatsoever, and if I had been called upon to do it, I never could have brought myself to one so severe and distressing."[24] But the majority opinion in England was that the Americans had been pampered too long and that the Bostonians must be brought to their senses with forceful action.[25]

The coercive measure which evoked the longest and most spirited discussion, was the Massachusetts Government Act which restricted town meetings, gave the Governor appoint-

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23. Correspondence of the Earl of Chatham, IV, 346, May 27, 1774. William Bollan made the same point in a petition to the House of Lords, March 30, 1774, Journals of the House of Lords, XXXIV, 104. See a letter of Elbridge Gerry to Samuel Adams, May 12, 1774, T. Austin, Life of Elbridge Gerry, 43.
24. Israel Williams Papers, II, 174, May 14, 1774. See also Diary and Letters of Thomas Hutchinson, I, 188-189. George III wrote that Hutchinson expressed his approval of the Port Bill and the Government Act, J. Fortescue, Correspondence of George III, II, 116, July 1, 1774.
25. See Report of the Royal Commission on Historical Manuscripts, "Marquis of Lothian MSS", 112, 117, March 23, June 27, July 15, 1774.

ing and removal power independent of the Council, and made the Council appointive. The law asserted that the election of the Councillors by the General Court had

> "... been found extremely ill adapted to the plan of government established in the province ..., and hath been so far from contributing to the attainment of the good ends and purposes thereby intended, and to the promoting of the internal welfare, peace, and good government, of the said province, or to the maintenance of the just subordination to, and conformity with, the laws of Great Britain, that the manner of exercising the powers, authorities and privileges aforesaid, by the persons so annually elected, hath, for some time past, been such as had the most manifest tendency to obstruct, and in great measure, defeat, the execution of the laws; to weaken the attachment of his Majesty's well-disposed subjects in the said province to his Majesty's government, and to encourage the ill-disposed among them to proceed even to acts of direct assistance to, and defiance of, his Majesty's authority."

Therefore to strengthen executive authority in Massachusetts, the act provided for the appointment of the Council by the royal Governor.

Several years earlier, as a result of Governor Bernard's insistence, Lord Hillsborough had urged this change in the Massachusetts Council, "as absolutely necessary to the restoration and establishment of civil Government in that Province ..."[26] Governor Hutchinson realized there were "ill effects" from the annual election of the Councillors by the House, but he did not advise an alteration in the charter, from fear of the "convulsion" that would result.[27]

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26. Lord Hillsborough to George III, February 15, 1769, J. Fortescue, Correspondence of George III, II, 82-3. See also Margaret M. Spector, The American Department of the British Government 1768-1782, 138.
27. Diary and Letters, I, 501, July 8, 1775.

The Tory printer, John Mein, declared that "The council being chosen by the people yearly must vote according to their pleasure, so that, in fact they are not the Counsellors of the King, but Tools of the faction ..."[28] By 1774 most members of the government were agreed that this change in the constitution was essential, and George III wrote to Lord North:

> "... I find it so much the wish of the Cabinet that I cannot too strongly express my preferring your introducing the Bill tomorrow that is drawn up for vesting the nomination of the Counsellors in the Crown."[29]

The debate on the Massachusetts Government Act in Parliament was quite long and lively -- especially on the provision concerning the Council. One of Lord North's supporters, Lord George Germain, argued:

> "... At present, their assembly is a downright clog upon all the proceedings of the governor, and the Council are continually thwarting and opposing any proposition he may make for the security and welfare of that government ..."

An opponent, General Conway, insisted that it was not necessary to alter the constitution, for a strong executive could act

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28. [John Mein], Sagittarius's Letters, 20. Mein also wrote: "... as they [Councillors] are annually chosen by the people, on every emergency they act rather as Counsellors of the mob, than as supporters of law and government. The choice of the Council ought therefore most certainly to be solely vested in the crown, as it is in most of the other provinces," Ibid., 57-8. See also [Daniel Leonard], Massachusettensis, 20.
29. W.B. Donne: Correspondence of George the Third with Lord North, I, 180-1, 174, April 14, March 14, 1774. J. Fortescue, Correspondence of George III, II, 103, 116, May 3, July 1, 1774.

without the assistance of the Council. This view was also expressed by Thomas Pownall who said that he would have quelled the disorders by calling for troops. Yet Pownall continued, it is always best that the Council should advise and assist the Governor; and the present Councillors

> "are highly blameable, are indeed inexcusable, whenever they refuse to advise, whenever they with hold their authority from the aid and support of government. I do not know whether they be not liable to censure in refusing their assistance as they are by the charter expressly called assistants; but surely their conduct was inexcusable when, instead of assisting they sought and took occasion in the midst of these disturbances, to bring forward as an act of Council, a report fraught with all the matters of contest and dispute, which were the very grounds taken as principles by the people engaged in the disturbances ..."

Still Pownall opposed the pending bill. Colonel Barré commented in opposition: "... You propose, by this Bill, to make the council of Boston nearly similar to those of the other royal governments; have not the others behaved in as bad a manner as Boston?..." Edmund Bruke added his voice to the opposition, also, but the bill passed both Houses early and received the royal assent May 20, 1774.[30]

30. Thomas Hansard, Parliamentary History, XVII, 1192-6, 1198-9, 1278-86, 1305-7, 1314-15. Journals of the House of Lords, XXXIV, 182-4. Horace Walpole wrote a detailed and interesting account of the debate, Francis Steuart, ed., The Last Journals of Horace Walpole, I, 338-351. For a pamphlet opposing the bill see [Jonathan Sibley] , A Speech intended to have been Spoken on the Bill for Altering the Charters of the Colony of Massachusetts Bay, London, 1774.

In May, 1774, Thomas Hutchinson was replaced by General Thomas Gage as Governor of the Province. Hutchinson had planned to go to England earlier, but when Lieutenant Governor Andrew Oliver died, the Governor refused to leave full executive authority in the hands of Bowdoin and the Council.[31] Finally in May, 1774, to the great joy of the Sons of Liberty, Hutchinson left Massachusetts, never to return. Although a native American, and a sincere lover of his home province, Hutchinson was more English in his sentiment than some of his ministerial superiors -- a fact that heightened the scorn and detestation of his neighbors. Because of his dogged attempts to maintain the royal prerogative, and to enforce obnoxious Parliamentary law, even though he sometimes personally felt the measures to be ignorantly conceived, Hutchinson was the most feared and maligned man of the revolutionary period in the Bay Colony. He was also hated and envied because of his lust for power and his disgusting inclination to establish his family in the highest official positions. Hutchinson declared that the patriot leaders opposed him because they sought personal advancement,

31. T. Hutchinson, History, III, 327. Diary and Letters of Thomas Hutchinson, I, 140, April 30, 1774. The committee of correspondence wrote to B. Franklin as follows: "... Had the Government by the absence of both [A. Oliver and Hutchinson] devolved on the Council, his Majesty's Service which has been frequently pleaded to give a Coloring to Measures destructive of the true Interests of his Subjects, would, we are persuaded, have been really promoted ...", State Papers (Gay Transcripts, M.H.S.), 108, March 31, 1774. (Also in Writings of Samuel Adams, III, 91).

and considering the fact that three of his most prominent enemies, John Hancock, James Bowdoin and Sam Adams, were the leading political figures in Massachusetts after the Revolution, there may be some justice in the Governor's contention. Despite the fact that Hutchinson was a careful student of colonial history, he failed to judge accurately the rising spirit of independence and the strength of his political opponents. Some mourned his departure, but the majority rejoiced that Massachusetts was rid of this "damned arch traitor."[32]

When news of the Port Bill arrived in Boston, the Sons of Liberty immediately expressed their dismay and planned economic retaliation. They insisted that if Parliament went to this length for the sake of the East India Company, the prospects for America were bleak indeed.[33] The radicals hoped to persuade the merchants of Boston and elsewhere to engage in a coercive boycott of English produce, but found, to their disgust, that while the merchants were sympathetic, they were far from anxious to endanger their business. Undaunted, Sam Adams and his followers enlisted the aid of the ordinary citizens in a "Solemn League and Covenant" to refrain from the purchase of British goods. Through this agreement and the committees of correspondence, the radicals united

32. M.H.S. Proc., LXIII, 313-314n.
33. Adams to James Warren, May 14, 1774, M.H.S. Colls., 4th series, IV, 390. E. Gerry to S. Adams, May 12, 1774, Austin, Life of Gerry, 43. Richard Wells, A few Political Reflections ..., Philadelphia, 1774, 22. Massachusetts Spy, June 16, 23, 1774.

the province against the coercive acts and made enforcement of them impossible.

The British punitive measures united the Americans as nothing before had done. Although many felt that the exuberant Bostonians had gone too far in the tea party, they now expressed their abhorrence of the severe punishment of the town.[34] James Bowdoin enthusiastically wrote to Benjamin Franklin in September, 1774:

> "... The spirit those Acts have raised throughout the colonies is surprising. It was not propagated from colony to colony, but burst forth in all of them spontaneously, as soon as the Acts were known; and there is reason to hope it will be productive of an Union that will work out the salvation of the whole ..."[35]

To William Bollan, Bowdoin declared:

> "... we have the satisfaction to know that the other Colonies look on our case as their own, and that they will not be tame spectators of our destruction or insolvency ..."[36]

The British had seriously miscalculated the extent of Ameri-

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34. Franklin wrote to the Committee of the town of Boston, February 2, 1774: "... I am truly concern'd as I believe all considerate Men are with you, that there should seem to any Necessity for carrying Matters to such Extremity, as, in a Dispute about Publick Rights, to destroy private Property ...", A.H. Smyth, Writings of B. Franklin, VI, 179.
35. M.H.S. Proc., XIII, 153, September 6, 1774.
36. M.H.S. Colls., 6th series, IX, 372, September 6, 1774. See also letter to John Temple, September 10, 1774. Ibid., 374. General Gage wrote to Lord Dartmouth, August 27, 1774: "It is agreed that the popular Fury was never greater in this Province than at present, and it has taken its' sic Rise from the Old Source at Boston, who' it has appeared first at a Distance ...", Carter, Correspondence of Gage, I, 367.

can discontent, and were very much surprised to find that the coercive acts had "created such a Ferment throughout the Continent, and united the whole in one common cause ..."[37]

General Gage, the chief commander of his Majesty's forces in America, reached Boston, May 17, 1774. Within a few days he summoned the General Court to meet for the annual election of the Council, for, as yet, news of the alteration of the charter had not been received. Of the twenty-eight men elected, thirteen were negatived, -- including James Bowdoin, Samuel Dexter, and John Winthrop. Gage had been ordered to negative these three because of their responsibility for the Council address of November 27, 1773, which had denied Parliament's authority to tax the colonies. Bowdoin and Dexter replied to the Governor, and revealed their suspicion of misrepresentations made against them by Thomas Hutchinson. Dexter was the more resentful as he expressed his pleasure "at falling under the disapprobation of such a determined enemy to his native country."[38] This was the last time that the assembly was permitted to elect the upper house of the General Court, because, before another year had passed, the Massachusetts government had been altered by Parliamentary statute.[39]

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37. Gage to Dartmouth, October 30, 1774, State Papers, XIII, 113. Boston Evening Post, July 25, August 1, 8, 29, 1774.
38. Massachusetts Spy, June 2, 1774.
39. Mercy Otis Warren commented as follows on Hutchinson's veto of Bowdoin: Among them was "James Bowdoin Esq., whose understanding, discernment, and conscientious deportment, rendered him a very unfit instrument for the views of the court, at this extraordinary period ..." The Rise and Progress of the American Revolution, I, 131.

The Massachusetts Whigs desired to unite American resistance to the coercive acts, so in June 1774, delegates were appointed by the House of Representatives to attend the Continental Congress, recently proposed by the Virginia Sons of Liberty. Although Sam Adams and some extremists favored more forceful action, Bowdoin and cooler heads urged participation in the Congress.[40] Consequently, before Governor Gage could dissolve the General Court, the House selected James Bowdoin, Samuel Adams, John Adams, Thomas Cushing, and Robert Treat Paine of Taunton to represent Massachusetts at Philadelphia.[41]

James Bowdoin was unfortunately unable to attend the Continental Congress due to his wife's illness. Elizabeth Bowdoin was stricken with some sort of fever which confined her to bed for four months in early 1774. Personal letters between James Bowdoin and his daughter, Elizabeth Temple, indicate conclusively that Mrs. Bowdoin was seriously ill, and that the family was very anxious about her condition. Therefore, instead of going to Philadelphia, James Bowdoin spent the summer and fall of 1774 in Massachusetts with his wife, trying to aid her recovery.[42]

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40. Wm. V. Wells, Life and Public Services of Samuel Adams, II, 174-5; Ralph V. Harlow, Samuel Adams, 231-2.
41. Journals of the House of Representatives, June 17, 1774. In the Robert Treat Paine Papers, Mass. Hist. Soc., III, 44, there is a very interesting document, revealing the secret proceedings of the General Court in this affair.
42. Bowdoin and Temple Papers, III, 18, July 21, 1774. Temple and Bowdoin Family Papers, XXVa, 2, 3, November 15, 1774, March 16, 1775. Letter of Bowdoin to Franklin, September 6, 1774, M.H.S. Proc., XIII, 153-4. Also Bowdoin to John Temple, September 10, 1774, M.H.S. Colls., 6th series, IX, 374.

In 1775 Bowdoin himself was so seriously ill with tuberculosis that he was unable to participate in public life. The illness was so severe that his family and friends felt that he would not recover.[43] Abigail Adams gives this pathetic picture of Bowdoin in June, 1775:

> "... He, poor gentleman, is so low, that I apprehend he is hastening to a house not made with hands; he looks like a mere skeleton, speaks faint and low, is racked with a violent cough, and, I think, far advanced in consumption. I went to see him last Saturday. He is very inquisitive of every person with regard to the times; begged I would let him know of the first intelligence I had from you; is very unable to converse by reason of his cough. He rides every pleasant day, and has been kind enough to call at the door (though unable to get out) several times. He says the very name of Hutchinson distresses him. Speaking of him the other day, he broke out, 'Religious rascal! how I abhor his name.'"[44]

By the fall of 1775, though, Bowdoin had sufficiently regained his health to once again take an active interest in politics. Sam Adams, his old associate, wrote appreciatively from Philadelphia:

> "For my own part, I had even buried you, though I had not forgot you. I thank God who had disappointed our fears; and it is my ardent prayer that your health may be perfectly restored and your eminent usefulness long continued."[45]

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43. Temple and Bowdoin Family Papers, XXVa, 4, Sept. 6, 1775. M.H.S. Proc., XLVIII, 59. Mercy Otis Warren Papers, Mass. Historical Society, letter in Bowdoin's hand, Aug. 26, 1775. Peter Oliver to Elisha Hutchinson, June 1, 1775, Diary and Letters of Thomas Hutchinson, I, 460. In a letter to Josiah Quincy, Jan. 29, 1776, Bowdoin spoke of a disorder to his eyes and "a pain in my breast consequent upon writing ..." J. Quincy, Memoir of Josiah Quincy, (Boston, 1824) 413-415.
44. June 15, 1775. Quoted by R.C. Winthrop, Washington, Bowdoin and Franklin, 56.
45. M.H.S. Proc., XII, 226, Nov. 16, 1775. See also letter of J. Hancock to Bowdoin, Nov. 9, 1775. R.C. Winthrop, Washington, Bowdoin and Franklin, 86.

Later, in the 1780's, some political opponents claimed that James Bowdoin had not attended the Continental Congress in 1774 because he was too much under British influence. This accusation must be regarded as mere campaign thunder, for there were no reflections upon Bowdoin's patriotism in 1774 and he was named second only to Samuel Adams in the British proscription of that year.[46] All of his utterances indicate that he sympathized with the patriot cause and that he looked to the Continental Congress for the salvation of America. Bowdoin early expressed the hope that this body would effect a strong union and "be the means of establishing, on a just and constitutional basis, a lasting harmony between Britain and the colonies ..."[47] To John Hancock, Bowdoin wrote in December, 1775:

> "... The present time is critical. It seems to be the particular one that is to determine our Fate, which under Providence depends in a great degree on the wisdom and fortitude of the Gentlemen of the Congress. Vigorous measures taken by them, and unabatedly pursued, I make no doubt, will be a means of extricating the Colonies out of their present difficulties and securing their future freedom."[48]

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46. M.H.S. Proc., 2nd series, XVI, 92. Pubs., Col. Soc. Mass., XI, 37.
47. To B. Franklin, September 6, 1774, M.H.S. Proc., XIII, 153, Bowdoin wrote to John Temple, September 10, 1774: "... The measures they Continental Congress shall recommend 'tis to be hoped, will have a happy tendency to open the eyes of administration and bring the two countries once more into a state of tranquillity and mutual confidence in each other ...", M.H.S. Colls., 6th series, IX, 374.
48. R.C. Winthrop, Washington, Bowdoin and Franklin, 87.

The Whigs of Massachusetts did not lose faith in Bowdoin after he declined to go to Philadelphia, for he was elected to the committee of safety for the town of Boston, and he also participated prominently in the establishment of a provisional defacto government in that province.[49]

1774 marked the end of an important phase of James Bowdoin's political career. For twenty years he had sat in the General Court, -- from 1757 to 1774, with the exception of one year, as a Councillor. Until the British inaugurated a new colonial policy, Bowdoin played an inconspicuous part in Massachusetts politics, and was commonly regarded as a "Friend of Government." From 1766 on, however, when he succeeded Thomas Hutchinson as leader of the Council, he consistently supported the radical politicians in the destruction of royal authority in Massachusetts.

According to the charter, the Council was constituted to advise and assist the Governor, but at a number of crucial times in the period 1765 to 1774, it declined to advise and often opposed rather than assisted the chief executive. Conspicuously, during the quarrel over the quartering of troops in Boston in 1768, in the exciting period of the Massacre, and in the tea controversy of late 1773, the Council had sided

49. Boston Town Records, XVIII, 185. General Gage to Dartmouth, September 12, 1774: "... Many believe here, and have told me so, that Mr. Bowdoin has a copy of my Instructions in his Hands. How true this may be, I know not, but I judge it proper to send your Lordship the Information given to me ...", C.E. Carter, Correspondence of Gage, I, 375.

with the radical politicians and the mob of Boston. Indeed, so far did it cease to be any agency of royal executive authority, that it petitioned the ministry in the interest of the province for the removal of both Francis Bernard and Thomas Hutchinson.

Led by James Bowdoin, the Councillors exceeded their constitutional authority by meeting without the Governor, and acting independently of him as the representatives of the people. This illegal practice of the upper house was of great importance during the recess of the General Court in 1768 and 1769, and was specifically disapproved by the British government. Yet, the Councillors continued to meet separate from the Governor in executive capacity throughout the remaining period of its existence. Also in more spectacular fashion, the Council had illegally assumed the authority to try a person impeached by the House of Representatives after the English practice.

The Massachusetts Council has been dismissed by historians as a weak body, hopelessly torn by its dependence upon the crown and the people. In reality it assumed a positive direction because it was more dependent upon the House of Representatives than upon the Governor. Even though the latter had the power to negative undesirable Councillors, he was unable to control the Board. While councils in other royal colonies wavered before threatening populaces, none of them were so completely controlled by the

Whigs as in Massachusetts. When the Council in the Bay Colony took a position of opposition to the Governors in crises, -- and since both Bernard and Hutchinson hesitated to act without the advice and consent of the Board --, the radicals were enabled to defy them with impunity. The elimination of the "Friends of Government" from the Council isolated the Governor and upset the political balance in Massachusetts in favor of the radicals.

But the Council was not merely a rubber stamp for the House of Representatives. This study has indicated that under James Bowdoin's leadership, the Council was a positive and aggressive force in the elimination of royal authority from the province. Having won control of the upper house, Bowdoin and his colleagues sought to elevate the Council to a position analagous to the House of Lords in England. Therefore bold and unconstitutional assumptions of executive and judicial power were made by this body. Although the Massachusetts Whigs complained that the British had vacated the colony's charter, they, themselves, had altered the constitution to their own satisfaction. They had set up an autonomous government which ignored the royal governor and practically coincided with the revolutionary provisional government organized in late 1774.

James Bowdoin was firmly convinced by 1774 that colonial self-government was necessary for the preservation of American liberties. He still hoped that a reconciliation between

Great Britain and the colonies might be effected, but only on the condition that Parliament relinquish the right of taxing America. Probably Bowdoin would have been satisfied with an imperial status similar to the dominion in the present British Empire. But such a solution of the imperial problem in 1774 was impossible, for the British could not as yet conceive of a federation of self-governing states bound to England only by loyalty to the crown. Only after the violence and confusion of 1775 in Massachusetts did James Bowdoin realize that the restoration of harmony between the mother country and the colonies was an impossibility. With this realization he advocated the only logical alternative for America -- a declaration of independence.

Bowdoin was an unusual rather than an ordinary quantity in Massachusetts politics in the revolutionary era. Unlike most men of his class, he took the patriot side and followed that party to actual revolution. Many wealthy men of Boston protested against the economic effects of the new colonial policy, but failed to support the Whigs in their constitutional opposition to the revenue acts. The careers of several of Bowdoin's relatives illustrate this fact well. John Erving, James Pitts, and Thomas Flucker denounced the laws as "uncommercial," but all of them rejoined the prerogative party before the Revolution, and Flucker became the royal secretary of the colony. James Bowdoin, on the other hand, argued on both economic and political grounds, with the final belief that

the latter were the more important consideration.

Bowdoin was never a "man of the people," although he was respected for his recognized abilities and undoubted integrity.[50] More moderate than Sam Adams and the radical Whigs, his taste ran to an American aristocracy rather than to democracy or republicanism. Bowdoin joined forces with the Sons of Liberty in their opposition to British sovereignty but he regarded as very dangerous some of the liberal forces unleashed by the Revolution.

Quite early, Bowdoin appreciated the dangers and responsibilities of independence and his appreciation was quickened by the chaotic conditions in Massachusetts immediately after the Revolution. Ironically enough, from a position of leadership in the opposition to centralization in the British Empire, he became one of the sincerest advocates of a strong central government in the United States. Therefore, unlike most of the Whigs of earlier days, he urged the revision of the Articles of Confederation and the adoption of the new Constitution of 1787.

In his last years, James Bowdoin epitomized the reaction to the radicalism of Revolutionary America, -- a conservative reaction which inaugurated the greatest federal experiment in world history.

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50. Brissot de Warville, New Travels in the U.S.A. (London, 1794), I, 94, compared Hancock and Bowdoin in the post-Revolutionary period: "... Hancock has not the learning of his rival, Mr. Bowdoin; he seems even to disdain the sciences. The latter is more esteemed by enlightened men; the former more beloved by the people."

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A series of articles by a Tory from Taunton, Massachusetts, which appeared in the Massachusetts Gazette in 1774 and 1775. The authority of Parliament is upheld, but the papers are more conciliatory than some other loyalist pieces. Interesting and valuable characterizations as well as lengthy comments on the Massachusetts

Council. John Adams, under the name "Novanglus" answered these letters in the Boston Gazette.

Laird, John: Remarks on the Principal Acts of the Thirteenth Parliament of Great Britain, London, 1775.
English defense of the coercive acts. Statement of the necessity of altering the Massachusetts charter.

MacPherson, James: The Rights of Great Britain Asserted against the Claims of America: Being an Answer to the Declaration of the General Congress, London, 1776.
A widely-read English pamphlet sometimes attributed to Sir John Dalrymple. Refutation of the American claim to an exemption from Parliamentary taxation.

Mayhew, Jonathan: Observations on the Character and Conduct of the Society for the Propagation of the Gospel in Foreign Parts, Boston, 1763.
A strong statement of the colonial detestation of Anglicanism and fear of an American episcopate.

Mayhew, Jonathan: Unlimited submission and non-resistance to the higher powers, Boston, 1750.
An early sermon which contains some of the arguments in behalf of colonial autonomy which became popular a bit later.

Mein, John: Sagittarius's Letters and Political Speculations, Boston, 1775.
A venemous commentary on Boston politics by the Tory printer of the Boston Chronicle. Interesting if biased criticisms and characterizations.

Mein, John: State of the importations from Great Britain into Boston, from January 1769 to August 17, 1769, Boston, 1769.
Statement of imports designed to expose the failure of some patriots to maintain the non-importation agreement.

Otis, James: A Vindication of the Conduct of the House of Representatives of the province of Massachusetts-Bay; more particularly, in the last session of the general assembly, Boston, 1762.
Review of the conflict over the writs of assistance. Interesting comments on the Governor's Council which Otis held responsible for his defeat in 1762.

Otis, James: The Rights of the British Colonies Asserted and Proved, Boston, 1765.
A more conciliatory position with respect to Parliamentary authority than in earlier pamphlets by Otis. This piece has been the reason for some denunciation of Otis as a recreant.

Pownall, Thomas: The Administration of the British Colonies, London, 1764.
A work by the former governor of Massachusetts which went through many editions. Temperate and conciliatory, but firm in upholding authority of Parliament throughout the empire Pownall favored representation of America in Parliament.

Price, Richard: Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America, London, 1776.
An English pamphlet expressing sympathy for the American constitutional claims. Representative of a minority sentiment in the early year of the war.

Roebuck, John: An Enquiry whether the Guilt of the present Civil War in America ought to be imputed to Great Britain or America, London, 1776.
An English tract upholding without reservation the right of Parliament to legislate for the colonies. Advocates forceful suppression of rebellion.

Serle, Ambrose: Americans against Liberty or an Essay on the Nature and Principles of True Freedom, London, 1776.
Conservative, but conciliatory English discussion of the imperial struggle. Advocates compromise on constitutional problem.

Sibley, Jonathan: A Speech intended to have been Spoken on the Bill for Altering the Charters of the Colony of Massachusetts Bay, London, 1774.
An English expression of sympathy for America. Conciliatory pamphlet urging acceptance of American constitutional argument.

Thacher, Oxenbridge: The Sentiments of a British American, Boston, 1764.
Early statement of the theory that taxation and representation are inseparable by a capable patriot lawyer of Boston.

Tucker, Josiah: The Respective Pleas and Arguments of the Mother Country, and of the Colonies distinctly set forth, and the Impossibility of a Compromise of Differences, or a Mutual Concession of Rights plainly demonstrated, London, 1774.
Unique expression of the Anglican dean of Gloucester, an economist and anti-imperialist. Advocated complete independence of America with Great Britain quaranteeing that independence. Idea regarded as absurd in 1774. Believed imperial federation was undesireable since Britain's responsibility would be too great.

Wells, Richard: A few Political Reflections submitted to the Consideration of the British Colonies by a citizen of Philadelphia, Philadelphia, 1774.
Denies authority of Parliament to tax America. Urges independent organization of a federal government. Printed originally periodically in the Pennsylvania Packet.

Wesley, John: A Calm Address to Our American Colonies, London, 1775.
Upholds authority of Parliament to tax colonies. A cautious pamphlet which expresses abhorrence of violence.

Wilson, James: Considerations on the Nature and Extent of the Legislative Authority of the British Parliament, Philadelphia, 1774.
A pamphlet which denied the power of Parliament over America, but not the authority of the crown.

V Newspapers

Boston Chronicle, 1767-1770.
Strongest loyalist paper of Boston. Most venemous attacks upon the Whigs by John Mein.

Boston Evening Post, 1735-1775.
A conservative paper, usually sponsoring the sentiments of the Boston merchants. Opposed to the new colonial policy on economic grounds, but not too liberal on political issues.

Boston Gazette, 1719-1780. Known in this period as The Boston Gazette, and Country Journal.
The regular organ of Samuel Adams and the Whigs. Polemical pieces constantly popularized the revolutionary doctrine.

Boston Post-Boy, 1734-1775. Known variously as The Boston Post-Boy and Advertiser; and The Massachusetts Gazette, and the Boston Post-Boy and Advertiser.
Least controversial paper of revolutionary Boston. Hence the least interesting and valuable.

The Boston News-Letter, 1704-1776. Published under various titles: Boston News-Letter and the New-England Chronicle; The Massachusetts Gazette, And Boston News-Letter; The Massachusetts Gazette, The Boston Weekly News-Letter; The Massachusetts Gazette: and the Boston Weekly News-Letter.
Most valuable in early period for advertisements and notices of the arrival and departure of s. ips. In the period before the Revolution it became the organ of the government.

Massachusetts Spy, 1770-1775 .
The most radical of the Whig papers. Printed by Isaiah Thomas. Early agitation for violence and independence.

VI Other Contemporary Publications

Boucher, Jonathan: A View of the Causes and Consequences of the American Revolution in Thirteen Discourses, preached in North America between the years 1763 and 1775, London, 1797.
Discussion of the conflict by a loyalist, an Anglican minister. Strong justification of British coercion of American rebels.

Dickerson, Oliver M., compiler: Boston under Military Rule, 1768-1769, as revealed in A Journal of the Times, Boston, 1936.
Reprint of newspaper articles attacking military government and the distasteful customs officers. This "Journal" appeared first in the New York Journal and later in the Boston Evening Post.

Gordon, Lord Adam: "Journal of an Officer's Travels in America and the West Indies, 1764-1765," N.D. Mereness, ed., Travels in the American Colonies, N.Y., 1916.
Gordon visited Boston and gives an informative account of the appearance of the town.

Gordon, William, Reverend: The History of the Rise, Progress, and Establishment of the Independence of the United States of America, 4 volumes, London, 1788.
Narrative by a minister who lived in Boston during the Revolution. Sympathetic to American view. History is often inaccurate, although it was regarded for many years as authoritative. Known now to have been copied largely from Burke's Annual Register.

Holmes, Abiel: The Annals of America from the Discovery by Columbus in the Year 1492 to the Year 1826, 2 volumes, Cambridge, 1829, 2nd edition.
Statistical chronology of minor interest and use. No attempt to interpret the facts recorded.

Hutchinson, Thomas: History of the Province of Massachusetts Bay from the Year 1750, until June, 1774, London, 1828. New edition, Cambridge, 1936. Edited by Lawrence Shaw Mayo.
Volume III of the loyalist governor's biased history of the colony. Although there are some factual errors, the work is usually done carefully. A most important discussion of James Bowdoin's ability and character appears.

Jenks, William: An Eulogy illustrative of the Life, and commemorative of the Beneficence of the Honorable James Bowdoin, Esquire, Boston, 1812.
Commencement address at Bowdoin College in September 1812 on the life of James Bowdoin III, Interesting comments on family history and character

Lowell, John: An Eulogy on the Honorable James Bowdoin, Esquire, L.L.D., F.R.S., Boston, 1791.
Memoir delivered before the American Academy of Arts and Sciences in January 1791. Very laudatory but interesting memoir. Some valuable family data.

Quincy, Josiah, Jr.: Reports of cases Argued and Adjudged in the Superior Court of Judicature of the Province of Massachusetts Bay between 1761 and 1772, by Josiah Quincy, Jr., S.L. Quincy, ed., Boston, 1865.
Unofficial records kept by Josiah Quincy, Jr. of the cases tried before Massachusetts Superior Court. An invaluable work because it is the only existing record of the court's activity.

Ramsay, David: The History of the American Revolution, 2 volumes, Philadelphia, 1789.
A general history by an American sympathizer. The most accurate of the comtemporary narratives.

Thacher, Peter: A Sermon preached to the Society in Brattle Street, Boston, November 24, 1790 and occasioned by the Death of the Honorable James Bowdoin, Esquire, L.L.D. F.R.S., Boston, 1791.
Eulogy preached by the pastor of the Brattle Street Church. Very sympathetic characterization.

Warren, Mercy: History of the Rise, Progress and Termination of the American Revolution. Interspersed with Biographical, Political and Moral Observations, 3 volumes, Boston, 1805.
A long and tiring narrative by the wife of a Plymouth patriot. Abundant moralizing and philosophizing. Strongly biased characterizations of leading figures.

Brissot de Warville, J.P.: New Travels in the United States of America, London, 1792.
The reflections of a careful French observer who visited New England shortly after independence had been won. He visited James Bowdoin and spoke highly of him.

VII Secondary Works

Adams, James T.: The Adams Family, Boston, 1930.
The early portion deals with the life of John Adams. A respectful and sympathetic, but not a thorough study of the life of this eminent patriot.

Adams, James T.: Revolutionary New England, Boston, 1923
A general treatment of the period 1689 to 1776 by an unfriendly observer. Adams is strongly biased in his handling of religious problems and fails to understand fully economic issues.

Adams, Randolph G.: "New Light on the Boston Massacre," American Antiquarian Society Proceedings, XLVII, 1937, 259-354.
Reviews histories (accounts) of massacre. Emphasizes the impotence of Hutchinson in March 1770. No mention of council. Many pertinent documents. Use of Gage Papers in Clements Library.

Adams, Randolph G.: Political Ideas of the American Revolution, Durham, 1922.
Careful statement of the philosophy of the Revolution drawn from the writings of the times.

Albion, Robert G.: Forests and Sea Power, Cambridge, 1926.
A study of the timber problem of the royal navy. Used especially for the effect of the mast reserve upon the American Revolution. Emphatic references to the Kennebec Company's protests against loss of property.

Alden, John E.: "John Mein: scourge of patriots," Publications of Colonial Society of Massachusetts XXXIV, 571-99.
Careful study of the Tory propagandist and printer of the Boston Chronicle. Aids an understanding of the loyalist attitude in the decade before the Revolution.

Andrews, Charles M.: "Boston Merchants and Non-Importation Movement," Colonial Society of Massachusetts Publications, XIX, 159-259.
A scholarly, detailed, and almost unreadable account of the organization of the Boston Merchants. Comparison with activities of merchants in other cities. Indicates clearly the different views of the merchants and the radical politicians.

Andrews, Charles M.: The Colonial Background of the American Revolution, New Haven, 1924.
A series of interpretive essays which are of inestimable value. Emphasis is placed upon the imperial nature of the American Revolution. Constitutional confusion is stressed.

Austin, James T.: The Life of Elbridge Gerry, Boston, 1828.
Eulogistic biography of a young patriot from Marblehead, Massachusetts. Important for some documentary material. Letters of Sam Adams and Gerry throw light upon the activities of the committees of correspondence.

Baird, Henry M.: The Huguenots and the Revocation of the Edict of Nantes, 2 volumes, London, 1895.
Contains necessary background material for an understanding of the Huguenot dispersion.

Baldwin, Alice M.: The New England Clergy and the American Revolution, Duke University, 1928.
A careful study of one group's reaction to the struggle between America and England. Some importance given to ecclesiasticism in the development of a revolutionary party.

Baxter, William T.: The House of Hancock, Business in Boston 1724-1775, Cambridge, Massachusetts, 1945.
A careful and enlightening study of the business activities of the Hancock family. Valuable as a guide to typical mercantile methods and practices.

Becker, Carl L.: The Eve of the Revolution, New Haven, 1920.
A brief survey of the decade before 1775 in the Chronicles of America series. Valuable for the interpretive ideas of a leading scholar.

Beer, George L.: British Colonial Policy, 1754-1765, N.Y., 1907.
A pioneer study of the development of the new British colonial policy. A valuable aid to the understanding of the imperial nature of the American Revolution.

Bradford, Alden: Memoir of the Life and Writings of Reverend Jonathan Mayhew, Boston, 1838.
The only biography of an eminent Boston patriot of the early revolutionary period. Many source materials are printed here which are not available elsewhere.

Brennan, Ellen E.: "James Otis: Recreant and Patriot," New England Quarterly, XII, 691 ff.
An investigation of several pamphlete written by James Otis. The thesis is that for a time, during the Stamp Act crisis, he wavered in his repudiation of Parliament's taxing power.

Brennan, Ellen E.: Plural Office-Holding in Massachusetts, 1760-1780: Its Relation to the 'Separation' of Departments of Government, Chapel Hill, 1945.
Study of the influence of personal ambition and idealism upon the development of the theory of separation of powers. Considerable importance attached to the desires of the "outs."

Brown, E. Francis: Joseph Hawley, Colonial Radical, New York, 1931.
The only biography of an important patriot leader from western Massachusetts. Contains inexcusable factual errors. Weak on economic factors.

Chamberlain, Mellen: John Adams, the Statesman of the American Revolution, with Other Essays, Boston, 1899.
Emphasis upon American fear of Anglicanism as an important element in the rise of the patriot party.

Channing, Edward: "The American Board of Commissioners of the Customs," Massachusetts Historical Society Proceedings, XLIII, 477-490.
Study of the effect of reorganized customs service upon New England commerce. Thesis is that the compulsory payment of taxes rather than abstract theories incited the people to rebellion.

Channing, Edward: History of the United States, III, New York, 1912.
A scholarly general treatment of the period 1761 to 1789 by an historian of the imperial school. Written from the New England point of view. Supplanted in certain phases by more recent studies. Bibliographical notes are useful.

Clark, Dora M.: "The American Board of Customs, 1767-1783," American Historical Review, XLV, 777-806.
Study of the customs administration, with special reference to the antagonism caused by it. As an agency of Parliamentary taxation the customs board contributed to the rise of the revolutionary party.

Clark, Dora M.: British Opinion and the American Revolution, New Haven, 1930.
Consideration of English opinion as seen in contemporary pamphlets. Newspapers and other sources are deliberately neglected. Several errors in facts and interpretation detected.

Cross, Arthur L.: The Anglican Episcopate and the American Colonies, Cambridge, Massachusetts, 1902.
The definitive work on this subject. Valuable for its consideration of ecclesiasticism as a factor in the American Revolution.

Cushing, Harry A.: History of the Transition from Provincial to Commonwealth Government in Massachusetts, New York, 1896.
Narrative of the development of a new government after the exit of English authority. Interesting statements on the position of Council in Massachusetts politics. Corrected in part by later works.

Dauer, Manning G.: "The Political Economy of John Adams," Political Science Quarterly, LVI, 546 ff.
A study of the thought of an eminent patriot, who very closely resembles James Bowdoin in his ideas.

Davidson, Philip: Propaganda and the American Revolution 1763-1783, Chapel Hill, 1941.
A study of the propaganda techniques of the Tories and the Whigs. The Massachusetts scene is treated at length for Samuel Adams was a pioneer in the molding of public opinion.

De Normandie, James: "The Manifesto Church," Massachusetts Historical Society Proceedings, XLVII, 223-231.
Sketch of society of Brattle Square. Narrative of circumstances surrounding the origin of the church, the theological position of the church is described.

Drake, Samuel A.: Old Landmarks and Historic Personages of Boston, Boston, 1876.
An interesting and quite accurate account of the physical development of Boston with reference to the inhabitants. Useful to supplement the work of Annie H. Thwing and Samuel G. Drake.

Drake, Samuel G.: History of the Antiquities of Boston, Boston, 1856.
A useful study of the development of the town. Careful notes on the physical scene and the people who lived there. Not as definitive a study as Annie Thwing's Crooked and Narrow Streets of Boston.

Eaton, Arthur W.H.: The Famous Mather Byles, the noted Boston Tory preacher, poet and wit, 1707-1788, Boston, 1914.
The lively biography of witty loyalist Mather Byles, pastor of the Hollis Street Church. Very derogatory characterizations of the patriot leaders.

Emerson, Amelia F.: The Early History of Naushon Island, Boston, 1935.
The only history of this island which was owned completely by the Bowdoin family from 1760 to 1830. Several important documents are reproduced.

Frothingham, Richard: The Life and Times of Joseph Warren, Boston, 1865.
Sympathetic study of a prominent Boston doctor and patriot. Usually carefully written, but some factual errors occur. Most valuable for a considerable number of source documents which are not available elsewhere.

Grant, William L.: "Canada versus Guadeloupe: An Episode of the Seven Years' War," American Historical Review, XVII, 735-743.
Consideration of the relative value in the mercantile empire of the northern colonies and Guadeloupe. A study of several contemporary pamphlets on this subject.

Griffin, Frederick: Junius Discovered, Boston, 1854.
An effort to establish the fact that one of the revolutionary pamphleteers named "Junius" was Thomas Pownall. Valuable source materials are printed.

Harlow, Ralph V.: The History of Legislative Methods in the Period Before 1825, New Haven, 1917.
A discussion of the influence of the "Junto" upon legislative procedure in Massachusetts. A statement of the effect of the removal of Thomas Hutchinson from the Massachusetts Council.

Harlow, Ralph V.: Samuel Adams, Boston, 1923.
The most careful study of the life of the leading Massachusetts radical. Keen analysis of economic, constitutional and psychological problems. Harlow mentions the importance of Bowdoin in the revolutionary struggle.

Hinkhouse, Fred J.: The Preliminaries of the American Revolution as seen in the English Press 1763-1775, New York, 1926.
Deals mainly with English newspapers and magazines to neglect of pamphlet material. Valuable as a guide to English public opinion.

Hosmer, James K.: The Life of Thomas Hutchinson, Boston, 1896.
The only full-length biography of this Tory Governor of Massachusetts. A deliberate attempt to revise adverse estimates of Hutchinson. Consequently too sympathetic.

Hosmer, James K.: Samuel Adams, Boston, 1886.
Eulogistic treatment depending upon William V. Wells' work. Inadequate understanding of psychological factors in Adams' life.

Kidder, Frederick: History of Boston Massacre, Albany, 1870.
Contains most of the source material pertaining to this event. Reprints Bowdoin's Short Narrative.

Lecky, William E.H.: The American Revolution, 1763-1783, New York, 1921. Edited by James A. Woodburn.
Chapters relating to America from the author's longer work on England in the eighteenth century. It constitutes a general but scholarly review of the Revolution. Thoughtful analyses of fundamental problems. Quite sympathetic to the American view.

Lothrop, Samuel K.: A History of the Church in Brattle Square, Boston, Boston, 1851.
The longest account of this notable society by a pastor of the church. Much valuable background material for the life of James Bowdoin.

Mc Clellan, William S.: Smuggling in the American Colonies at the Outbreak of the Revolution with especial Reference to the West Indies Trade, New York, 1912.
An aid to the understanding of the relationship of the New England colonies and the West Indies. Not exhaustive or completely accurate.

Mc Ilwain, Charles H.: The American Revolution: A Constitutional Interpretation, New York, 1924.
Stresses the theory that the American Revolution was a constitutional conflict. Mc Ilwain contends that the Americans before 1775 at least were constitutionally correct, for never since 1688 had they acknowledged the supremacy of Parliament. A provocative theory not accepted by most historians of the Revolution.

Miller, John C.: "The Massachusetts Convention, 1768," New England Quarterly, VII, 445 ff.
A study of the effort to or anize an extra legal government in Massachusetts in 1768. Miller indicates clearly that the Boston Whigs were too radical for the rural population of the province. No consideration of the independent course of the Council at this time.

Miller, John C.: Origins of the American Revolution, Boston, 1943.
A well-written recent survey of the period 1760 to 1776. No startling new theories are advanced. Miller emphasizes the political and constitutional factors in the rise of the revolutionary party.

Miller, John C.: Sam Adams, Boston, 1936.
An enthusiastic biography which is not always accurately written. Great emphasis upon political and constitutional problems to the partial neglect of economic and pyschological factors.

Morison, Samuel E.: Three Centuries of Harvard, Cambridge, 1936.
A sympathetic survey of the history of Harvard College. Useful for background material in the life of James Bowdoin.

Morse, Anson E.: The Federalist Party in Massachusetts to the Year 1800, Princeton, 1909.
A study of the origins of the Federalist party in the early revolutionary period. Reference to Bowdoin as an early federalist.

Naumier, Lewis B.: England in the Age of the American Revolution, London, 1930.
Recent study of political affairs in England at the end of the Seven Years' War by an English historian. Explanation of British inability to understand or accept the American view of the empire.

Palfrey, John G.: A Sermon Preached to the Church in Brattle Square, July 18, 1824, Boston, 1825.
A brief but careful sketch of the history of the Brattle Square Society. Interesting comments upon the buildings, the pastor, and the congregation.

Palfrey, John G.: History of New England, Volumes IV and V, Boston, 1890.
A lengthy and still useful work. Over sympathetic to American view usually and antiquated in some respects.

Parrington, Vernon L.: The Colonial Mind; Main Currents in American Thought, I, New York, 1927.
A brilliant survey of early American thought. Very valuable for indications of general intellectual tendencies. Treatment of New England puritanism is decidedly unsympathetic. Used with special reference to the development of liberal thought in the eighteenth century.

Pownall, Charles A.W.: Thomas Pownall, M.P., F.R.S., Governor of Massachusetts Bay, Author of The Letters of Junius, London, 1908.
A friendly study by a descendant of the well-liked governor of Massachusetts. Aids an understanding of the English scene. Many important documents of Pownall and others are printed.

Prime, Temple: Some Account of the Bowdoin Family, with a Notice of the Erving Family, Third ed., New York, 1900.
Very brief, purely statistical summary of these families. Earlier editions contain several factual errors which are corrected in the 1900 edition.

Prime, Temple: Some Account of the Temple Family, New York, 1900. Fourth edition.
Corrected from earlier editions. Purely statistical history of the family of Sir John Temple.

Quincy, Josiah: Memoir of the Life of Josiah Quincy, Jr. of Massachusetts: 1744-1775, Boston, 1825.
Life of a young patriotic lawyer of Boston by his son. Considerable source material is printed: letters, newspaper pieces, and a very valuable diary.

Sabine, George H.: A History of Political Theory, New York, 1937.
A scholarly history of the development of political philosophy. Used for an understanding of the meaning of the teachings of John Calvin, John Locke, Rousseau, and Montesquieu.

Schlesinger, Arthur M.: Colonial Merchants and the American Revolution, 1763-1776. New York, 1918.
Important study of the reaction of one class of Americans to the new colonial policy. Emphasis upon the fact that the merchants protested against the new measures on grounds of economic inexpediency, but refused to follow the program of colonial radicals.

Schlesinger, Arthur M.: "The Uprising against the East India Company," Political Science Quarterly, XXXII, 60-79.
Study of the tea controversy. The thesis that the American tea merchants led the uprising against the East India Company in Massachusetts has been refuted by Ralph V. Harlow in Samuel Adams.

Spector, Margaret M.: The American Department of the British Government 1768-1782, New York, 1940.
Functional study of the main agency of colonial administration in the Revolutionary period. Of special interest with regard to the responsibility for certain phases of colonial policy.

Thwing, Annie H.: The Crooked and Narrow Streets of Boston, Boston, 1922.
The most complete study of the physical scene in Boston. An invaluable source of information on the history of streets and properties in colonial times. Discussion of the Bowdoin property on Beacon Hill is not completely accurate.

Trevelyan, George O.: The American Revolution, I, London, 1905.
A long narrative by an English historian. Quite sympathetic to the American position.

Tudor, William: Life of James Otis, Containing Notices of Contemporary Characters and Events 1760-1775, Boston, 1823.
Laudatory biography of the famous firebrand. Valuable only for the source material which is printed here.

Tuttle, Julius: "The Bowdoin Library," Massachusetts Historical Society Proceedings, LI, 362-8.
Discussion of the disposition of the famous Bowdoin library during the military occupation of Boston. List of books which were in the Bowdoin home when it was occupied by General Burgoyne.

Tyler, Moses C.: The Literary History of the American Revolution 1763-1783, 2 volumes, New York, 1897.
A very useful analysis of the loyalist and patriot literature during the revolutionary era. Especially valuable for the summaries of the arguments of each writer.

Van Tyne, Claude H.: The Causes of the War of Independence, Boston, 1922.
A recent survey of the preliminaries of the Revolution by a historian of the imperial school. More interpretive than factual.

Weeden, William B.: Economic and Social History of New England, 2 volumes, Boston. 1890.
Useful if somewhat antiquated institutional study by a sympathetic historian.

Wells, William V.: Life and Public Services of Samuel Adams, 3 volumes, Boston, 1865.
A lengthy eulogistic biography by a descendant of Adams. Most valuable because of the large number of source documents which are printed.

Weston, Thomas: History of the Town of Middleboro, Massachusetts, Boston, 1906.
References to Bowdoin property in this town. Some mention of James Bowdoin's temporary residence there during the Revolution.

Weston, Thomas: Peter Oliver, the last chief justice of the Superior Court of judicature of the province of Massachusetts Bay, Boston, 1886.
Paper read before the New England Historical and Genealogical Society. Antiquarian and genealogical in nature, but contains information on the Oliver impeachment.

Willis, William: History of Portland, from its first settlement, Portland, 1865. Revised edition.
Standard history of Portland, Maine. Contains references to the arrival of Pierre Baudouin in America and his ownership of property in Maine.

Winsor, Justin, editor: Memorial History of Boston, 1630-1880, 4 volumes, Boston, 1880-1881.
A cooperative antiquarian work which is still of some use. Valuable bibliographical notes.

Winsor, Justin, editor: Narrative and Critical History of America, 8 volumes, Boston, 1889.
Volume VI treats the period before the Revolution. Winsor's bibliographical notes are a useful guide to the most important source material.

Winthrop, Robert C.: Washington, Bowdoin, and Franklin, as portrayed in Occasional Addresses, Boston, 1876.
Contains an address on the life of James Bowdoin delivered before the Maine Historical Society, at Bowdoin College, September 5, 1849. This eulogistic paper, by an admiring descendant, is the longest biography of Bowdoin. Its value lies in several source documents which I have found nowhere else.

Wolkins, George G.: "The Seizure of John Hancock's Sloop Liberty," Massachusetts Historical Society Proceedings, LV, 239-284.

A careful study of the Boston riot in June 1768. Includes a number of important documents. Indicates well the importance of the Council's refusal to aid the Governor.

Wolkins, George G.: "Writs of Assistance in England," Massachusetts Historical Society Proceedings, LXVI, 357-364.

Discussion of the nature and use of the infamous writs. The author concludes that the writs are still used in England today.

ABSTRACT

The Huguenot dispersal of the late seventeenth century brought to British North America a considerable number of French settlers, some of whom were destined to play conspicuous parts in the development of this country. Among these immigrants was the family of Pierre Baudouin, the grandfather of James Bowdoin II, who was a prominent patriot of Massachusetts, and later Governor of that Commonwealth. The Baudouin group originally fled from La Rochelle, France, and after brief stays in Ireland and Falmouth, Maine, come to Boston in 1690.

Pierre Baudouin's eldest son, James, the first of the family to bear that name in America, was a merchant, who, through his industry and ability, amassed one of the greatest New England fortunes of his day. James Bowdoin's wealth assured him of a high position in Boston society and enabled him to live in the most elegant fashion of this time.

James Bowdoin, Junior, was born in 1726, the son of his father's second wife, Hannah Pordage Bowdoin. He was brought up in a manner befitting the son of a wealthy merchant, and afforded the best education that Massachusetts could offer. After receiving rudimentary training at the Boston Public Latin School, James Bowdoin entered Harvard College, which granted him the degrees of B.S. and A.M. in 1745 and 1748.

While at Harvard, he developed an interest in natural science which remained with him throughout life. Bowdoin's scientific studies were of sufficient merit to induce a lengthy correspondence with Benjamin Franklin, election to the Royal Society of London, and selection as the first president of the American Academy of Arts and Sciences.

Following college days James Bowdoin married Elizabeth Erving, the daughter of John Erving, and soon purchased a stately mansion on Beacon Hill. Disdaining the merchant business, he devoted his time to intellectual interests, to real estate investments, and to politics.

Early in his political career Bowdoin held the conservative businessman's point of view, and was regarded as a supporter of the prerogative. About 1765, however, his attitude changed, and henceforth he sympathized with the Whigs in their opposition to royal authority. A major purpose of this study is to explain this personal course, which was unusual amongst men of Bowdoin's class.

James Bowdoin sincerely believed at the outset of the revolutionary quarrel that the new colonial policy would have detrimental economic effects upon both England and New England. As the contest progressed he was convinced that American economic freedom would only be assured by self-government. When it was evident that colonial autonomy within the British Empire was a futile quest, Bowdoin advocated the logical alternative, -- a declaration of independence.

But Bowdoin was not completely without personal desires and ambitions. The loyalists asserted that his opposition to government was a consequence of the demotion of his son-in-law John Temple, who had been Surveyor-General of the Customs for the Northern District of America. There were rumors also that Bowdoin hoped to benefit personally by the elimination of the current royal officers. While some credence must be given to such suggestions, complete reliance upon them is a dangerous oversimplification. If Bowdoin had been more materialistic than idealistic in his motivation, he would have proceeded much more cautiously than he did.

From 1753 to 1757 James Bowdoin was a member of the House of Representatives, and, from 1757 to 1774, with the exception of one year, he sat in the Council. This latter body was an advisory board for the governor, and also served as the upper chamber of the legislature. The Massachusetts Council was unique, for unlike any others in the royal colonies, it was elected by the lower house of the General Court. This was a factor of importance in the decade 1765 to 1775, for, in spite of their power to negative undesirable Councillors, the royal governors were unable to control the upper house. After 1766, when James Bowdoin replaced Lieutenant Governor Hutchinson as leader of the Council, that body not only failed to support the governors, but also aggressively opposed them at times. This defection of the upper house isolated Governors Bernard and Hutchinson, and badly upset the political balance in the colony.

Since the royal governors did not care to act without the advice and consent of their legal advisors, the Councillors, Whig measures generally prevailed. During the conflict over the Townshend Acts, the Massachusetts Council refused to advise a military occupation of Boston as Bernard wished, and the government fell completely into the hands of the patriots. When troops finally arrived in October, 1768, the Council embarassed the Governor by trying to prevent the quartering of them in the town. Later, in the tea crisis of 1773, when East India tea was shipped to Boston, the Council refused absolutely to help Governor Hutchinson protect this private property, and emphatically denied Parliament's authority to pass the Tea Act. In this situation the Governor declined to take adequate steps to safeguard the tea, and the famous tea party resulted. So far did the Council cease to be a board of assistants for the Governor that it agitated for the removal of both Bernard and Hutchinson, who, they declared, had violated the colonists' constitutional and natural rights.

The Massachusetts Whigs sought to eliminate royal authority from the colony and to establish a completely autonomous government. The House of Representatives fancied itself a miniature House of Commons, and the Council assumed a position more analagous to the English House of Lords. Both Bernard and Hutchinson complained that the Council met independently of them, and acted as an agency of the public, a practice that

was very important during the long recess of the General Court in 1769. Also, in the struggle against the projected colonial civil list, the Council claimed the judicial authority to try an official whose appointment it had approved, and who had been impeached by the House. Although the Americans declared that the British had violated the Massachusetts charter, it is clear that the Whigs, themselves, altered the constitution to their own satisfaction.

Governor Bernard believed that the chief cause of the decline of royal authority in Massachusetts was the elective Council. Not until the Councillors were appointed by the crown, he argued, could the government recover itself. Governor Hutchinson felt that the trouble with the Council lay rather in the effect of the popular frenzy and in the influence of James Bowdoin. Some declared that the Massachusetts Council was no worse than some of the appointed ones, but by 1774 most Englishmen were convinced that it was an anomalous and dangerous body. Consequently the coercive measure which altered the constitution of the Bay Colony provided for the appointment of Councillors.

Despite James Bowdoin's regular opposition to the prerogative, his election to the Council was only vetoed twice, -- in 1769, after a spectacular quarrel with the Governor, and again in 1774, after he had written an official paper denying Parliament's control over America. Both Bernard and Hutchinson tolerated Bowdoin's opposition in the Council,

because they guessed that his sympathy for the Whigs was temporary and that he would soon rejoin the government party. Notwithstanding the entreaty of the governors, especially in the quiet period, 1771 and 1772, James Bowdoin consistently supported the Whigs.

Bowdoin was never a "man of the people," but his associates and the citizens of Massachusetts respected his proven political ability. In the decade before the Revolution he wrote most of the Council papers and they were usually masterfully done; also he was permitted to write the defense of Boston after the famous "massacre" of March 5, 1770. When Massachusetts decided to participate in the First Continental Congress, James Bowdoin was one of the delegates elected by the General Court. Unfortunately Mrs. Bowdoin's health prevented him from going to Philadelphia, but he still retained the esteem of his fellow citizens, who named him a member of Boston's Committee of Safety and of the new provisional government of 1774.

James Bowdoin was an unusual rather than an ordinary quantity in Massachusetts during the revolutionary era. Unlike most men of his class, he took the patriot side and followed that party to actual revolution. More moderate than the radicals, his taste ran to an American aristocracy rather than to democracy; and consequently he regarded as very dangerous some of the liberal forces unleashed by the Revolution. Ironically enough, although Bowdoin was a leading

opponent of centralization in the British Empire, he became one of the sincerest advocates of a strong federal government in the United States.

In his last years, James Bowdoin epitomized the reaction to the radicalism of Revolutionary America, -- a conservative reaction which inaugurated the greatest federal experiment in world history.

Francis Gustaf Walett

I was born in North Easton, Massachusetts on October 1, 1919, the son of Gustaf A. and Ida V. Walett. After receiving fundamental training in the elementary schools, I attended Oliver Ames High School in North Easton, and graduated in 1937. Thereafter I studied at Boston University, receiving the degrees of B.S. in 1941 and A.M. in 1944. From 1943 to 1945 I was a graduate assistant in the history department, and 1945 to 1946 was a lecturer in American history. Since May 1946, I have been an instructor in history in the College of Liberal Arts, Boston University.